

مسيرة شھر

من لكعب بن الأشرف؟

"WHO WILL DEAL WITH KA'B IBN AL-ASHRAF?"

**THE ISLAMIC RESPONSE TO THOSE GUILTY
OF BLASPHEMY AGAINST ALLAH AND HIS MESSENGER**

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INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allāh, the Beneficent, the Merciful

All Praise is due to Allāh. We praise Him, seek His help, and ask His forgiveness. We seek refuge in Allāh from the evil of our own souls, and the adverse consequences of our deeds. Whomsoever Allāh guides, there is none that can misguide him, and whomever He misguides, then none can guide him.

I bear witness and testify that there is no deity worthy of worship except for Allāh; He is alone, having no partners. I bear witness and testify that Muḥammad ﷺ is His perfect worshiper, and Messenger.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ ۖ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ﴾^(١٠٢)

O you who have believed, fear Allāh as He should be feared and do not die except as Muslims [in submission to Him].¹

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۚ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ ۚ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾

O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh, through

¹ Sūrah Āl ‘Imrān (3):102

whom you ask one another, and the wombs. Indeed Allāh is ever, over you, an Observer.²

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ۖ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَمَنِ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا﴾^(٧١)

O you who have believed, fear Allāh and speak words of appropriate justice. He will [then] amend for you your deeds and forgive you your sins. And whoever obeys Allāh and His Messenger has certainly attained a great attainment.³

As for what follows; the best Speech is the Speech of Allāh, and the best guidance is the guidance of Muḥammad ﷺ. The worst of affairs are the newly invented matters, every innovation is a misguidance, and every misguidance is in the Fire (of Hell).⁴

...

Centuries have passed and the words of the noblest of Allāh’s creation and His final Prophet and Messenger - Muḥammad ibn ‘Abdullāh ﷺ - have become a reality for his dignified but persecuted Ummah. He ﷺ said in a Ḥadīth recorded in *Musnad Aḥmad* (22397):

يُوشِكُ أَنْ تَدَاعَى عَلَيْكُمُ الْأُمَمُ مِنْ كُلِّ أَفْقٍ كَمَا تَدَاعَى الْأَكْلَةُ عَلَى قَصْعَتِهَا قَالَ: قُلْنَا: يَا رَسُولَ اللَّهِ، أَمِنْ قِلَّةٍ بِنَا يَوْمَئِذٍ؟ قَالَ: أَنْتُمْ يَوْمَئِذٍ كَثِيرٌ، وَلَكِنْ تَكُونُونَ غُثَاءً كَغُثَاءِ السَّيْلِ، تُنْتَزَعُ الْمَهَابَةُ مِنْ قُلُوبِ عَدُوِّكُمْ، وَيَجْعَلُ فِي قُلُوبِكُمُ الْوَهْنَ. قُلْنَا: وَمَا الْوَهْنُ؟ قَالَ: حُبُّ الْحَيَاةِ وَكَرَاهِيَةُ الْمَوْتِ

² *Sūrah an-Nisā’* (4):1

³ *Sūrah al-Aḥzāb* (33):70-71

⁴ This is a translation of *Khuṭbah al-Ḥājah*, which the Prophet ﷺ would give whenever he started a speech. See al-Albānī’s ‘*Khuṭbah al-Ḥājah*’ (al-Maktab al-Islāmī, Damascus, 1980) for more details

“Soon the nations will gather against you, calling each other from every land, as dinners invite one another to a feast.” Someone said, *“Will it be because of our small numbers on that day?”* He said, *“No, rather on that day you will be many, but you will be like the scum carried on the surface of flood water. Allāh will remove the fear of you from the hearts of your enemy, and He will cast al-Wahn into your hearts.”* It was asked, *“O Messenger of Allāh, what is al-Wahn?”* He said, *“Love of this world and dislike of death.”*⁵

The disbelieving nations have indeed gathered, summoning one another to partake in their ‘free for all’ against the Muslims’ wealth, lands, blood, honour, and religion. Amongst the most recent and least excusable manifestations of their enmity towards Islām and the Muslims, is their blasphemy against Allāh ﷻ, His Book, and His beloved and noble Prophet and Messenger Muḥammad ﷺ.

In the wake of such recent and unashamed public abuses, much of the *Ummah* has expressed their anger and frustration, seeking to defend the honour of their role model, guide, and Prophet, Muḥammad ﷺ. However, similar to the nation of Jesus, the son of Mary ﷺ, many of the calls, incitement, and actions of the *Ummah* have been lacking the Qur’ānic and prophetic guidance. This has unfortunately resulted in a number of individuals going so far as to denounce the guidance of the noble Book (i.e. the Qur’ān) and the pristine *Sunnah* of the Messenger ﷺ. They have assumed, due to their compounded ignorance, that such behaviour is alien to Islām and is not but a contemporary manifestation of deviance and extremism - and Allāh’s refuge is sought from such misguidance.

In light of this, this humble essay aims to clarify, according to the Qur’ān and the *Sunnah*, the Islamically legislated response to such overt aggression against the religion and its faithful adherents. Having said that, it should not however be taken as a condemnation of the actions Muslims have been taking up until this point (unless they, of course, oppose and are prohibited by the Islamic *Sharī’ah*), as they do have a number of benefits. Rather, this essay merely seeks

⁵ Also recorded in *Sunan Abī Dāwūd: The Book of Malāḥam* (4297)

to highlight that which is *Wājib* (i.e. obligatory) upon the *Ummah* in dealing with those disbelievers guilty of blasphemy, promoting it, or aiding the perpetrator(s) of such crimes.

...

Concerning the topic at hand, both the earlier and later scholars have elucidated the rulings related to blasphemy within their works on *Fiqh* (i.e. Islamic Jurisprudence). There have likewise been a number of works dedicated specifically to the topic; with probably the most celebrated being ibn Tamiyyah’s رحمته الله,⁶ *aş-Şārim al-Maslūl alā Shātīm ar-Rasūl* رحمته الله, which translates as, *The Drawn Sword against the one who Curses the Messenger* رحمته الله. Other notable works within this category, which have been utilised as secondary resources in this essay, are the likes of the *Mālikī* scholar al-Qāḍī ‘Iyyāḍ’s رحمته الله⁷ *ash-Shifā*,⁸ the *Shāfi’ī* scholar *Taqī ad-Dīn* as-Subkī’s رحمته الله⁹ *as-Sayf al-*

⁶ He is *Shaykh al-Islām*, *Taqī ad-Dīn* Abī al-‘Abbās Aḥmad bin ‘Abd al-Halīm ibn ‘Abd as-Salām ibn Taymiyyah. He was born in Harran, on the 10th of Rabi’ al-Awwal 661 *Hijrī*, and moved to Damascus when he was seven years old. He was famous for his extensive knowledge, understanding of the religion, opinions, piety, abstinence, and the works that he authored, many of which continue to be studied in Islamic institutions, mosques, and Muslim homes across the world. He died in Damascus in the year 728 *Hijrī*.

⁷ He is the *Imām*, the *Hāfidh*, the *Qāḍī* (i.e. judge) Abu’l-Faḍl ibn ‘Iyyāḍ al-Andalusī *al-Mālikī*. He was born in the year 467 *Hijrī* and was one of the most knowledgeable scholars of his era in the fields of *Ḥadīth* and its sciences, Grammar, and Arabic language. He died in the year 544 *Hijrī*.

⁸ Strictly speaking, *ash-Shifā* does not belong to this category as it is a work covering the virtues of the Prophet رحمته الله, his rights upon mankind and issues of ‘*Aqīdah* (i.e. belief) related to belief in him رحمته الله. It is only the work’s forth, and final, section that deals with the rulings related to blasphemy, including the rulings of those who blaspheme against Allāh رحمته الله, His Book(s), Prophets and Angels عليهم السلام, as well as those who speak ill of his رحمته الله Companions and Wives رحمته الله. Nevertheless, many of those who came after him and wrote specifically on those who disparage the Prophet رحمته الله relied upon his work to some extent. It is for this reason and that it was one of the earlier works to deal with the subject in detail, that *ash-Shifā* is generally included within this category of works.

⁹ He is *Shaykh al-Islām*, the *Muḥaddith*, the *Mufasssir* (i.e. Quranic commentator) *Taqī ad-Dīn* Abu’l-Ḥasan ‘Alī ibn ‘Abd al-Kāfī, al-Anṣārī, al-Khazrajī, as-Subkī.

Maslūl, and the *Ḥanafī* scholar Muḥammad Hāshim's ¹⁰ *as-Sayf al-Jaliyy*.¹¹ Unfortunately, to the best of my knowledge, the only works that exist in the English language are a translation of al-Qāḍī 'Iyyād's *ash-Shifā*,¹² and an abridged translation of al-Ba'ī's ¹³ *as-Ṣārim al-Maslūl*, entitled *The Unsheathed Sword*.

Due to the existence of the Islamic caliphate in the era in which these works were compiled, wherein the *Sharī'ah* was the sole form of legislation throughout *Dār al-Islām* (i.e. the lands of the Muslims). The authors specifically, and scholars of the *Ummah* in general, did

He was born in the town of Subuk al-'Abīd on 1st *Ṣafar* 683 *Hijrī*, and died in the year 756 *Hijrī*.

¹⁰ He is Muḥammad Hāshim as-Sindī. He was born in *Sind* (modern-day Pakistan) on 10th Rabi' al-Awwal in the year 1104 *Hijrī*. In his formative years, he learnt the Qur'ān, Arabic and Farsi from his father, al-Fāḍil 'Abd al-Ghafūr as-Sindī who was also a scholar. He later became a *Faqīh* in the *Ḥanafī* school and a *Muḥaddith*. He died in the year 1174 *Hijrī*.

¹¹ Refer to the verifier's (Iyyād Aḥmad) introduction to as-Subkī's work, *as-Sayf al-Maslūl* (pp.18-21), for a more complete list of works specifically on the topic at hand. There have, of course been more contemporary works in the Arabic language, such as aṭ-Ṭarīf's short treatise, *Ta'dhīm Allāh Ta'ālā*, which focuses more on the rulings related to the Muslim who speaks-ill of Allāh ﷻ. Unfortunately, like a number of the previous works, it fails to deal with the practical implementation of the *Sharī'ah* rulings in light of the *Ummah's* contemporary reality.

¹² One of the first (if not first) translation of this work was undertaken by Aisha Bewley for Madina Press and published by Diwan Press Ltd., however unfortunately it was without any Arabic text (e.g. the Quranic verses and *Aḥādīth*). A more recent translation has been published by Dar Al-Kotob Al-ilmiyah, which can be downloaded from Sunniconnect.com. This version includes both the full Arabic and English text of the work. Unfortunately, its English translation is somewhat lacking, suffering from inaccuracy in numerous places. Others who have published online translations of the work have been so audacious as to completely remove the forth, and final, section of the work that addresses the topic at hand - and Allāh's refuge is sought from their treachery.

¹³ A scanned version of this work is available in PDF format from Sunniconnect.com. I have not relied strictly on the work's translations of ibn Taymiyyah's words, but rather, like with the translation of *ash-Shifā*, have made alterations and corrections to the translations where it was deemed necessary.

not, for the most part, feel the need to address issues that had not yet arisen during their eras - and Allāh ﷻ knows best.

In the period following the dismemberment of the Ottoman caliphate and the discontinuance of the Islamic *Sharī’ah*’s governance throughout the lands of the Muslims, coinciding with this is the sizable Muslim populations residing in the lands of the disbelievers and enemies of Islām. The accursed Satan has had an unparalleled opportunity to sow the seeds of doubt into the fertile minds of many Muslims, who are disconnected from the scholarship and guidance of their forefathers (in Islām) due in large part to their neglect of the Arabic language. If that was not bad enough, there have arisen numerous ‘scholars’ and ‘preachers’ who neither speak the truth, clarifying such issues to the Muslims, nor stay silent concerning issues they fear to address publically. Rather, these wolves in sheep’s clothing proclaim and promote falsehood, compounding the current problem - and to Allāh do we beseech for help.

Consequently, the need to address the issue of the disbelievers’ blasphemy as it relates to Muslims in the twenty-first century, and particularly those residing in the lands of the most vocal and hostile enemies of Islām, has arisen.

The compilation of this modest and incomplete essay was undertaken somewhat hastily, and is therefore not an exhaustive work on the subject addressing every situation or misconception that has, or may arise. Rather, it was designed in order to fulfil a pressing need amplified by recent events, as indeed Allāh ﷻ says:

﴿إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنزَلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَىٰ مِنْ بَعْدِ مَا بَيَّنَّاهُ لِلنَّاسِ فِي الْكِتَابِ أُولَٰئِكَ يَلْعَنُهُمُ اللَّهُ وَيَلْعَنُهُمُ اللَّعْنُونَ ﴿١٥٩﴾﴾

Indeed, those who conceal what We sent down of clear proofs and guidance after We made it clear for the people in

the Scripture - those are cursed by Allāh and cursed by those who curse.¹⁴

However, if Allāh ﷻ should grant me the ability and a long enough life in this world, perhaps a more in-depth work can be undertaken which academically and systematically addresses all questions and misconceptions currently surrounding the issue - and He ﷻ certainly knows best. Hence, this essay's respected readers are requested to refer to my earlier treatise, *Jihād Without Borders: Attacks in the West from an Islamic Perspective*¹⁵ for additional background information concerning the contemporary Muslim's relationship with the West and lands in which they reside.

Abdullah ash-Shaybani

13th Rabi' al-Awwal 1441 (Corresponding to 29th October 2020)

...

All of the *Ḥadīth* mentioned in this work are, according to the specialists in the field of *Ḥadīth*, *Ṣaḥīḥ* (authentic). If any *Ḥadīth*, or narrations from the *Salaf*, happen not to have authentic chains of narration or there exists a dispute amongst the scholars concerning this, it will be mentioned in the footnotes - by the permission of Allāh ﷻ. Accordingly, if there are no comments regarding the authenticity of a *Ḥadīth* or narration, it is an indication of its authenticity.

All of the reference numbers for the *Aḥādīth* quoted in this work are as they appear in the original (full-length) Arabic works, which may differ from both their abridged versions and their English translations. As such, the respected reader is kindly requested to refer to resources such as Sunnah.com if there arises a need to reconcile between any discrepancies in the (original Arabic) reference

¹⁴ *Sūrah al-Baqarah* (2):159

¹⁵ This work can be downloaded from [Distance of a Month's Journey Publications](http://DistanceofaMonth'sJourneyPublications)

numbers, the in-book references, and the USC-MSA web (English) references of the *Aḥādīth*.

In addition to the references for the Qur’ānic verses, *Aḥādīth*, and statements of the scholars, brief biographical accounts for the majority of the scholars mentioned throughout this work are include (aside from those included in the chains of narration) for the benefit of those unfamiliar with their names.

THE ISLAMIC RULING ON THE BLASPHEMER

Scholars have a consensus on the fact that whoever curses, belittles, or insults the Messenger of Allāh ﷺ is a disbeliever and is to be killed.

Shaykh al-Islām ibn Taymiyyah رحمه الله stated in *aṣ-Ṣārim al-Maslūl* (p.3), “Whoever insults the Prophet ﷺ is to be killed whether they are a Muslim or a disbeliever. This is the general view of the scholars. Ibn al-Mundhir¹⁶ رحمه الله said,¹⁷ ‘the generality of the scholars have a consensus that whoever insults him ﷺ is to be killed, and Mālik,¹⁸ Layth,¹⁹ Aḥmad²⁰ and ash-Shāfi’ī²¹ رحمه الله also said this.’”²²

¹⁶ He is the *Imām*, *al-Hāfīdh*, *al-Mujtahid*, *al-Faqīh*, Abū Bakr Muḥammad ibn Ibrāhīm al-Mundhir, an-Naysābūrī. He was born in the year 242 *Hijrī* and died in the year 318 *Hijrī*.

¹⁷ In *al-Ijmā’* (p.128) (720), *as-Sayf al-Maslūl* (p.119), *Tafsīr al-Qurṭubī* (verse 9:12), and *Nayl al-Awṭār: Kitāb Ḥadd Shārib al-Khamr* (7/258)

¹⁸ He is the *Imām*, *Muḥaddith*, and *Faqīh* of al-Madīnah and her people in particular and *Ahl as-Sunnah wa'l-Jamā'ah* in general, Abū ‘Abdullāh Mālik ibn Anas. He was he the great-grandson on the Companion ‘Amr ibn Ḥārith, and was born in al-Madīnah in the year 93 *Hijrī*. He was amongst the first scholars to compile the *Ḥadīth* of the Prophet ﷺ, saying of the Companions and *Tabi’īn*, with his famous work *al-Muwatta’*. Many scholars and *Muḥaddithīn* would narrate from him, and his chain (Mālik from Nāfi’ from ibn ‘Umar from the Prophet ﷺ) is considered one of the ‘golden’ (i.e. strongest and most authentic) chains of narration for *Ḥadīth*. he died in the year 179 *Hijrī*.

¹⁹ He is the *Imām* and *Faqīh*, Abu'l-Ḥārith al-Layth ibn Sa’d ibn ‘Abd ar-Raḥmān al-Miṣrī. He was born in Egypt in the year 94 *Hijrī*, and would become one of the region’s, and era’s biggest scholars. He had his own *Madhhab*, which, due to Allāh’s ultimate Wisdom and Decree, did not survive. Nevertheless, he taught and narrated to many of the major scholars of the time. He died in the year 165 *Hijrī*.

²⁰ He was *Shaykh al-Islām* Abū ‘Abdullāh, Aḥmad ibn Ḥanbal, adh-Dhuhlī, ash-Shaybānī, al-Marzī, al-Baghdādī. He was born in the year 164 *Hijrī*. He began seeking knowledge at the age of 15, studying under many of the greatest scholars of his time, and would later teach many of the greatest scholars of his day. Amongst his students and those who narrated from him were al-Bukhārī, Muslim, Abū

Ibn Taymiyyah also quotes Muḥammad ibn Suḥnūn رَحِمَهُ اللَّهُ²³ as saying (p.4), “The scholars have a consensus that whoever insults the Messenger (by attributing a defect to him) ﷺ, is a disbeliever, and whoever doubts such a person’s disbelief has disbelieved.”²⁴

In *ash-Shifā* (2/185) al-Qāḍī ‘Iyyād رَحِمَهُ اللَّهُ states, “We have previously quoted the speech from the Qur’ān, *Sunnah* and the consensus of the scholars, implying the due rights to the Prophet ﷺ and the incumbent duties of honouring and exalting him. Accordingly, Allāh prohibited offending the Prophet ﷺ in His Book, and the scholars unanimously agreed upon killing the one who disparages him. Allāh the Supreme said:

Dawūd, ash-Shāfi’ī, ‘Alī ibn al-Madīnī, and Yahyā ibn Ma’īn. His status cannot be over-estimated, much in part to his stance, despite his imprisonment and subsequent torture, in defence of the *Sunnah* (religion) during the *Fitnah* wherein the Caliph of the time adopted the heretical opinion that ‘the Qur’ān was created’. He died in the year 241 *Hijrī*.

²¹ He is Muḥammad ibn Idrīs ibn ‘Abbās ibn ‘Uthmān ibn Shāfi’ al-Qurayshī al-Muṭṭalibī (from the family of the Prophet ﷺ), born in Palestine as an orphan in the year 150 *Hijrī*. However he spent his early years in Makkah wherein he memorised the Qur’ān and Mālik’s book, *al-Muwatta’*, and is reported to have started issuing legal verdicts at the age of fifteen. He was a student of both the *Mālikī* and *Hanaḥī* schools, however later went on to design his own methodology of *Fiqh*. Amongst his most famous students was *Imām* Aḥmad ibn Ḥanbal. He is considered as the first to author a work specifically on *Uṣūl al-Fiqh* (i.e. the principles of Islamic Jurisprudence), entitled *ar-Risālah*. He died in Rajab 204 *Hijrī* in *al-Fuṣṭāṭ* (Old Cairo), Egypt.

²² *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.31) and its English translation *The Unsheathed Sword* (p.13)

²³ He is the *Imām* Muḥammad Abū ‘Abdullāh ibn ‘Abd as-Salām Suḥnūn ibn Sa’īd al-Qayrawānī. He was born in Qayrawān, Tunisia, in the year 202 *Hijrī*, and was one of the most renowned and popular scholars of *Maghrib*. He travelled to Egypt, *ash-Shām*, and the *Hijāz*, and as a result, many people throughout Africa and *Andalūs* (Spain) adopted the *Mālikī* School of *Fiqh*. He became a judge in 234 *Hijrī* and died in Qayrawān, the greatest city of the region at the time, in the year 256 *Hijrī*.

²⁴ *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.32), *The Unsheathed Sword* (p.14), and *as-Sayf al-Maslūl* (p.120)

﴿إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُهِينًا﴾

Indeed, those who abuse Allāh and His Messenger - Allāh has cursed them in this world and the Hereafter and prepared for them a humiliating punishment.²⁵

Al-Qāḍī ‘Iyyād also said (2/188), “Know - may Allāh grant you and us success - that anyone who abuses, reviles, disparages or offends the Prophet ﷺ with regards his self, lineage, religion or any of his qualities. Or utters implicit words or gestures slighting him, or likens him to a thing intending to abuse or belittling him, then in such a case he is deemed to be a blasphemer on whom the legal judgment for cursing the Prophet ﷺ is to be enacted. Namely, he is to be killed, without any doubt or hesitancy concerning fulfilling the prescribed penalty.

Likewise, the same applies to any one who curses the Prophet ﷺ, invokes Allāh’s Curse upon him, wishes to inflict harm upon him, ascribes anything irrelevant to his office out of a wish to disparage him, or directs obscene or ridiculing speech towards him. Or, attributes a false statement against him, dishonours him due to the ordeals and afflictions which befell him, or disparages him for having been afflicted with the natural afflictions (such as diseases, forgetfulness ... etc.), which were common among the Prophets (for they were human beings).”²⁶

Imām ibn Kathīr رَحِمَهُ اللَّهُ²⁷ says in his *Tafsīr* of the noble verse of *Sūrah at-Tawbah* (9:12):

²⁵ *Sūrah al-Aḥzāb* (33):57, in *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.706)

²⁶ *ibid.* (pgs.710&711)

²⁷ *Al-Hāfidh Adh-Dhahabī* (d.748 *Hijrī*) (one of the teachers of ibn Kathīr) wrote that Ibn Kathīr was, “The *Imām*, scholar of jurisprudence (*Fiqh*), skilful scholar of *Ḥadīth*, renowned *Faqīh* and scholar of *Tafsīr* who wrote several beneficial books

﴿وَإِنْ نَكَثُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي دِينِكُمْ فَقَاتِلُوا
أَيِّمَةَ الْكُفْرِ﴾

**And if they break their oaths after their treaty and defame
your religion, then fight the leaders of disbelief...**

“... Whoever curses the Messenger ﷺ, defames the religion of Islām or mentions it in a derogatory fashion, is to be killed...”

Aṣ-Ṣan’ānī رحمه الله²⁸ states in *Subul as-Salām: Kitāb al-Jinayāt* (2/980), “Whoever curses the Prophet ﷺ is to be killed.”

Shaykh Muḥammad Hāshim رحمه الله says in *as-Sayf al-Jaliyy* (p.125), “Know, that the three *Imāms* - Mālik, ash-Shāfi’ī, and Aḥmad رحمه الله, and those who follow them have united upon the opinion that the disbeliever who blasphemes against the Prophet ﷺ is to be killed by having his neck struck.”

In order not to prolong the discussion by recording every one of the numerous statements pronounced by the scholars of every generation and *Madhhab* (jurisprudential school of thought) regarding the issue, those quoted above will suffice, if Allāh wills, for this chapter. However, whoever wishes to do so may refer to the works of *Fiqh* (Islamic Jurisprudence) and those mentioned in the essay’s introduction, wherein many of the classical scholars statements have been complied.

The only known difference of opinion on the issue stems from *Imām* Abū Ḥanīfah رحمه الله²⁹, who held that the *Dhimmi*³⁰ is not to be executed

(among them his famous *Tafsīr* and the monumental historical work, *al-Bidāyah wa’n-Nihāyah*.)” He died in Damascus in 774 *Hijrī*.

²⁸ He is Muḥammad ibn Ismā’īl aṣ-Ṣan’ānī. He was born in Kahlān, Yemen, in the year 1099 *Hijrī*, and travelled to Ṣan’ā when he was 11 years old. He wrote more than one hundred works. From amongst his more notable works were *Kitāb Arba’in aṣ-Ṣan’ānī*, *Tafsīr Gharīb al-Qur’ān*, and his explanation on ibn Ḥajar’s *Bulūgh al-Marām* entitled *Subul as-Salām*. He was also a poet and historian. He died in the year 1182 *Hijrī*.

for blasphemy, but instead should be severely punished. However, as stated, scholars such as by Shaykh Muḥammad Hāshim رَحْمَةُ اللَّهِ، “Numerous *Hanafi* scholars (differed with him, and instead) considered that the *Dhimmī* blasphemer should be executed. From those holding this position was *al-‘Allāmah al-‘Aynī*,³¹ who reasons ... ‘If the Muslim is killed if he disparages the Prophet ﷺ, then how (should it not also be the case) when such words originate from a criminal who is an enemy to the religion (i.e. the *Dhimmī*)?’”³²

In spite of this apparent difference, one ought to remember that the existence of the *Dhimmī* is dependent on the existence of *Dār al-Islām*, which is of course, presently non-existent.³³ As such, any discussion on this particular facet of the subject is somewhat theoretical, having little practical use for this essay’s intended audience, and Allāh ﷻ knows best.

As far as the one who curses, belittles, or insults the other Prophets and Messengers of Allāh عَلَيْهِمُ السَّلَام، *al-Qāḍī ‘Iyyād* رَحْمَةُ اللَّهِ mentions in *ash-Shifā* (2/248&249):

²⁹ He is Abū Ḥanīfah Nu’mān ibn Thābit. He was born in the year 80 *Hijrī* in Kūfah, Iraq. He was a one of the greatest scholars, the first of the four *Imāms* and remains a point of reference for *Fiqh*. He died in Baghdad in the year 150 *Hijrī*.

³⁰ The *Dhimmī* is a person from *Ahl adh-Dhimmah* - those disbelievers that reside within *Dār al-Islām* (i.e. the lands of Islām), paying the *Jizyah* in a state of humiliation. Refer to works such as ibn al-Qayyim’s *Aḥkām Ahl adh-Dhimmah* and ad-Dimiyāṭī’s work of the same name for details on the Islamic rulings surrounding the issue. In addition, in his *Tafsīr*, ibn Kathīr includes a discussion on the topic and quotes a letter from ‘Umar ibn al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ to the *Ahl adh-Dhimmah* of *Shām*, when he discusses the 29th verse of *Sūrah at-Tawbah* (9:29).

³¹ He is *al-‘Allāmah, al-Ḥāfīdh*, Badr al-Dīn Abū Muḥammad Maḥmūd ibn Aḥmad al-‘Aynī, *al-Hanafi*. He was born in Cairo in the year 762 *Hijrī*, and was from the major *Muḥaddithīn* of his era. He died in Cairo in the year 855 *Hijrī*.

³² *As-Sayf al-Jaliyy* (pgs.126&127)

³³ This is not negating the possibility of the existence of regions within the Muslim world wherein the Islamic *Sharī’ah* is being implemented, and thus such areas would take the ruling of *Dār al-Islām*. Rather, the intended meaning refers to the Muslim countries whose governments and leaders rule according to man-made laws contravening the *Sharī’ah*, and thus such places take the ruling of *Dār al-Kufr* despite the majority of their inhabitants being Muslims.

“The legal Judgment with regards to reviling, slighting, denying or belying any of Allāh’s Prophets and Angels, is compatible with that of abusing our Prophet ﷺ which we have previously presented. Allāh the Supreme says:

﴿إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَنْ يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُلِهِ وَيَقُولُونَ نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا ۚ أُولَٰئِكَ هُمُ الْكَافِرُونَ حَقًّا وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُهِينًا﴾

Indeed, those who disbelieve in Allāh and His messengers and wish to discriminate between Allāh and His messengers and say, “We believe in some and disbelieve in others,” and wish to adopt a way in between - Those are the disbelievers, truly. And We have prepared for the disbelievers a humiliating punishment.³⁴

In addition, Allāh the Supreme says:

﴿قُولُوا آمَنَّا بِاللَّهِ وَمَا أُنْزِلَ إِلَيْنَا وَمَا أُنْزِلَ إِلَىٰ إِبْرَاهِيمَ وَإِسْمَاعِيلَ وَإِسْحَاقَ وَيَعْقُوبَ وَالْأَسْبَاطِ وَمَا أُوتِيَ مُوسَىٰ وَعِيسَىٰ وَمَا أُوتِيَ النَّبِيُّونَ مِنْ رَبِّهِمْ لَا نَفَرِّقُ بَيْنَ أَحَدٍ مِنْهُمْ وَنَحْنُ لَهُ مُسْلِمُونَ﴾

Say, [O believers], “We have believed in Allah and what has been revealed to Abraham and Ishmael and Isaac and Jacob and the Descendants [al-Asbāṭ] and what was given to Moses and Jesus and what was given to the prophets from their Lord. We make no distinction between any of them, and we are Muslims [in submission] to Him.”³⁵

Likewise, He said:

³⁴ Sūrah an-Nisā’ (4):150&151

³⁵ Sūrah al-Baqarah (2):136

﴿كُلُّ ءَامَنٍ بِٱللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِّن رُّسُلِهِ﴾

All of them have believed in Allāh and His angels and His books and His messengers, [saying], “We make no distinction between any of His messengers.”³⁶

Mālik in the book of ibn Ḥabīb, Muḥammad, ibn al-Qāsim, ibn al-Mājushūn, ibn ‘Abd al-Ḥakam, Aṣḥabagh and Suḥnūn said رَحِمَهُمُ اللَّهُ concerning the one who reviles or disparages any of the Prophets عَلَيْهِمُ السَّلَامُ that he is to be killed without being asked to repent. Yet, if any of the disbelievers’ abuses them, he is to be killed, unless he embraces Islām.

Suḥnūn reported on the authority of ibn al-Qāsim رَحِمَهُمُ اللَّهُ, “Any one of the Jews and Christians who reviles the Prophets عَلَيْهِمُ السَّلَامُ in any way, other than that which is common due to his disbelief (e.g. by associating partners with Allāh and by claiming that He has a son), is to have his head amputated unless he embraces Islām.”³⁷

Thus, it is clear that whoever curses, belittles, or insults any of the Prophets, whether it is the final Prophet and Messenger Muḥammad ﷺ or any other of the Prophets and Messengers عَلَيْهِمُ السَّلَامُ, is to be executed without excuse. Likewise are those who curse, belittle or insult Allāh ﷻ.

Ibn Taymiyyah رَحِمَهُمُ اللَّهُ recorded in *aṣ-Ṣārim al-Maslūl* (p.201) from Mujāhid رَحِمَهُمُ اللَّهُ that ‘Umar رَضِيَ اللَّهُ عَنْهُ³⁸ came upon a man who had disparaged the Prophet ﷺ, so he executed him and then said:

³⁶ *Sūrah al-Baqarah* (2):285

³⁷ *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.799)

³⁸ He is *Amīr al-Mu’minīn* Abū Ḥafṣ al-Farūq, one of the ‘ten promised Paradise’, ‘Umar ibn al-Khaṭṭāb, the second Caliph of Islām. He was a companion of the

مَنْ سَبَّ اللَّهَ، أَوْ سَبَّ أَحَدًا مِنَ الْأَنْبِيَاءِ فَاقْتُلُوهُ

“Kill whoever curses Allāh or any one of the Prophets.”³⁹

Al-Qāḍī ‘Iyyād رَحِمَهُ اللَّهُ says in *ash-Shifā* (2/244), “It was reported via ‘Abdullāh ibn ‘Umar رَحِمَهُ اللَّهُ⁴⁰ that once a *Dhimmī* violated the Sanctity of Allāh the Supreme and argued about that, so ibn ‘Umar went out in pursuit of him with his sword to kill him, but he fled. Mālik said, in the book of ibn Ḥabīb and *al-Mabsūṭ*, as did ibn al-Qāsim in *al-Mabsūṭ* and in Muḥammad ibn Suḥnūn’s book, ‘Whoever of the Jews and Christians reviles Allāh in way other than that which they disbelieve (by associating partners with Allāh and claiming He has a son), is to be killed without being asked to repent.’ In *al-Mabsūṭ*, ibn al-Qāsim رَحِمَهُ اللَّهُ said, ‘(He is to be killed) unless he willingly embraces Islam.’”⁴¹

In summary, according to the judgements of the classical scholars of Islām, whoever curses, belittles, or insults Allāh, any of His Prophets and Messengers, His Angles, and His Book has committed one of the most grievous acts of disbelief. A crime, according to the *Sharī’ah*, is punishable by death.

Prophet ﷺ from amongst the *Muhājirīn*. He and Abū Bakr aṣ-Ṣiddīq were considered the closest of companions of the Prophet ﷺ and his chief advisors. His life was extraordinarily influential and an example followed by Muslims around the globe until today. In the year 23 *Hijrī* at the age of 63, and after ruling the Islamic State for a little over ten and-a-half years, he was assassinated as he led the *Fajr* prayer by Abū Lu’lu’ the Zoroastrian - may Allāh curse him (i.e. Abū Lu’lu’) and all those who venerate him.

³⁹ *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.79), also in *as-Sayf al-Maslūl* (p.124) with its *Takhrīj*

⁴⁰ He is ‘Abdullāh ibn ‘Umar ibn al-Khaṭṭāb. He was born 10 years before the *Hijrah* and was the son of *Amīr al-Mu’mīnīn* ‘Umar ibn al-Khaṭṭāb, but also a notable Companion in his own right. He was one of the *seven ‘Abdullāh’s* from amongst the *Saḥābah* رَضِيَ اللَّهُ عَنْهُمْ, distinguished for their piety, scholarship and extensive knowledge of the religion. He was also notable, like many other Companions, for his long career in *Jihād* both during, and after the death of the Prophet ﷺ. He died in the year 73 *Hijrī*. and was reported as being the last of the Companions to die.

⁴¹ *Ash-Shifa: Healing through defining the rights of Prophet Muhammad* ﷺ (p.791)

THE EFFECT OF TAWBAH (REPENTANCE)

When discussing the issue, the scholars generally divided those guilty of the aforementioned offences into three categories:

- The Muslim
- The *Mu'āhid*, and
- The *Ḥarbī*

As far as the **Muslim** is concerned, the scholars agree that whoever curses, belittles, or insults the Prophet Muḥammad ﷺ (or any other Prophet) is to be executed. The majority also held that he is not to be asked to repent. Meaning, the punishment of execution is not waived, even if he or she repents for their crime. Nevertheless, this ruling does not negate that with Allāh ﷻ, their sincere repentance may well benefit and save them from punishment in the Hereafter, as He ﷻ has stated in His noble Book:

﴿إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ﴾

Indeed, Allāh does not forgive association with Him, but He forgives what is less than that for whom He wills.⁴²

Shaykh al-Islām ibn Taymiyyah رَحِمَهُ اللَّهُ states in *as-Ṣārim al-Maslūl* (p.4), “There is no disagreement regarding the Muslim who insults (the Prophet ﷺ) being killed, and is the view of the four *Imām*’s and other than them.”⁴³

He later quotes *Imām* Aḥmad رَحِمَهُمَا اللَّهُ as ruling (p.300), “Everyone, whether Muslim or disbeliever, that insults the Prophet ﷺ is to be

⁴² *Sūrah an-Nisā*’ (4):48

⁴³ *Mukhtaṣar as-Ṣārim al-Maslūl* (p.31) and *The Unsheathed Sword* (p.14). Shaykh al-Islām is referring to *Imām* Abū Ḥanīfah, *Imām* Mālik ibn Anas, *Imām* ash-Shāfi’ī, and *Imām* Aḥmad ibn Ḥanbal رَحِمَهُمُ اللَّهُ.

killed, and my opinion is that he is to be killed without be asked to repent.” “Likewise,” ibn Taymiyyah mentions (p.301), “the overwhelming majority of his (i.e. Aḥmad’s) companions were certain that such a person is to be killed, and they made no mention of seeking their repentance. To the extent, that whoever slanders the mother of the Prophet ﷺ was to be killed, and they likewise made no mention of seeking their repentance either. [...] The generality of the Companions رضي الله عنهم said, ‘Their repentance is not to be accepted, rather they are to be executed even if they repent.’”⁴⁴

In *ash-Shifā* (2/217) al-Qāḍī ‘Iyyāḍ رحمه الله says, “We have presented the judgment of whoever defames or offends the Prophet ﷺ, including the scholars’ consensus upon killing whoever does so, and that the *Imām* has the choice either to kill or crucify him.

Moreover, according to *Imām* Mālik and his contemporaries from amongst the scholars, the early scholars’, and the majority of scholars’ opinions, is that, in the case of the Muslim’s repentance, he is to be killed as a *Ḥadd* (i.e. prescribed Islamic legal punishment) not as an apostate. That is why they rejected his repentance as we have already emphasized. As such, he is treated like the *Zindīq*⁴⁵ and one who treads a path of disbelief. Whether he repents after apprehension and his guilt has been established, or he approaches (the authorities) on his own accord after having repented. It is a *Ḥadd* that is *Wājib* (obligatory) to implement, and it cannot be waived by repentance just like the rest of the *Ḥudūd* (i.e. prescribed legal punishments).”⁴⁶

The scholars, with the exception of *Imām* Abū Ḥanīfah رحمه الله, argue that the ***Mu’āhid*** is deemed to have violated his or her covenant with

⁴⁴ *Mukhtaṣar as-Ṣārim al-Maslūl* (pgs.90&91)

⁴⁵ The *Zindīq* is the *Munāfiq* whose hypocrisy and disbelief become exposed, through either word or deed; nevertheless, they refuse to acknowledge their disbelief, and instead seek to conceal it whilst displaying their apparent adherence to Islām. Alternatively, they seek to present their disbelief to the masses as Islām.

⁴⁶ *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.755)

such an immense crime, and thus reverts to the status of *Ḥarbī* (i.e. disbeliever without a covenant). This is due to Allāh's statement in *Sūrah at-Tawbah* (9:12):

﴿وَإِنْ نَكَثُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي دِينِكُمْ فَقَاتِلُوا
أَيِّمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ﴾⁴⁷

And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths for them; fight them that] they might cease.

Meaning, that due to their crime of speaking ill of the religion, they have nullified any covenants they may have had and have become, by virtue of their actions, ***leaders of disbelief***.

In his *Tafsīr* on the verse (9:12), al-Qurṭubī رحمه الله⁴⁷ said, “A number of scholars have used this verse as evidence establishing the obligation of killing whoever defames the religion, if he is a disbeliever. To defame means to attribute that which is not befitting to the religion or to mock it by making light of that which is undoubtedly from the religion.” He also says, “If the *Dhimmī* defames the religion, he has violated his covenant according to the well-known position of Mālik رحمه الله due to His words, ***And if they break their oaths...*** (Allāh ﷻ) thus ordered they be fought and killed. This is also the opinion of ash-Shāfi'ī رحمه الله.” Al-Qurṭubī رحمه الله later explains some of the rationale behind this, saying, “The majority of the scholars hold that whoever from *Ahl adh-Dhimmah* curses the Prophet ﷺ, implicitly belittles him, makes light of his status, or describes him in a way other than which they (commonly) disbelieve in him. Then he is to be

⁴⁷ He is Abū ‘Abdullāh Muḥammad ibn Aḥmad ibn Abū Bakr al-Ansārī al-Qurṭubī. He was a famous Qur’ānic commentator, scholar of *Ḥadīth*, and *Faqīh* from Cordoba, Spain. Amongst his most renowned works are *al-Jāmi’ li-Ahkām al-Qur’ān*, also known as *Tafsīr al-Qurṭubī*, and *at-Tadhkirah*. He died in Egypt in the year 671 *Hijrī*.

killed, as we did not grant him a covenant or treaty for him to do the likes of that.”

Ibn Qudāmah رحمته الله⁴⁸ says in *al-Mughnī* (7686), “Regarding the affair (of the one who betrays the terms of his covenant, thus permitting his blood and wealth) [...] al-Qāḍī and ash-Sharīf Abū Ja’far point out that there are two aspects related to the conditions (of the covenant). The first is that he can breach the terms of his pledge by ... mentioning Allāh, His book, His religion or His Messenger ﷺ in an ill-mannered fashion.”

Meaning, that if the disbelievers exceed what their religious beliefs hold regarding the veracity of Muhammad’s prophethood ﷺ. As cursing, belittling, slandering, and mocking all point towards a hatred superseding their common disbelief and misguidance. Rather, such behaviour indicates the individual has taken a conscious decision to wage war against Allāh ﷻ, His Messenger ﷺ, and the believers. Accordingly, there can be no treaties or covenants with individuals or entities exhibiting such abhorrent, undignified, and unjustified behaviour.

As far as the *Ḥarbī* is concerned, the statements of the scholars have preceded, conveying the obligation of killing such an individual.

However, if the believer finds the scholars of Islām not extensively discussing how the laws and penal code of the *Sharī’ah* applies to the *Ḥarbī*. It is because traditionally the *Ḥarbī* could not and would not step foot in *Dār al-Islām* without a valid covenant of security or *Dhimma*. Alternatively, he would have had to been part of an invading force which prevented the Muslims from applying Allāh’s Judgement concerning him, until they subdue their forces and capture him as a prisoner of war. Likewise, the Muslims did not reside in *Dār*

⁴⁸ He is *Imām* Muwaffaq ad-Dīn, ‘Abdullāh ibn Aḥmad ibn Muḥammad ibn Qudāmah al-Maqdisī, a famous *Hanbalī* scholar and jurist from *ash-Shām*. He was from amongst the renowned scholars who waged *Jihād* against the crusaders in the armies of Ṣalāḥ ad-Dīn al-Ayyūbī. He authored a number of works spanning a number of Islamic disciplines, the most celebrated of which being his encyclopaedia of *Fiqh*, *al-Mughnī*. He died in the year 620 *hijrī*.

al-Kufr, and would not venture there for trade, *Da'wah*, or for any other purposes, except with the existence of a covenant between them or as part of an Islamic force waging *Jihād*.

As is well known, the default ruling for the *Ḥarbī* capable of fighting is that, due to his disbelief, his blood, wealth, and honour are all permissible for the Muslims.⁴⁹ Thus, the male *Ḥarbī* generally falls into one of two categories:

- The one whom it is permissible, although not obligatory, to wage *Jihād* against, if they have been conveyed the message of Islām, and
- The one whom, due to his aggression against Islām and the Muslims, it is *Wājib* to wage *Jihād* against

Accordingly, the rulings related to the *Ḥarbī* would traditionally be addressed within works (or chapters) detailing the *Fiqh of Jihād*. As, unlike the Muslim or *Mu'āhid* who are under the authority of the Muslim state, the *Ḥarbī* is typically in a position to resist the authority of the *Imām*. Therefore, before any of the *Sharī'ah* legislated punishments can be applied he must first be subjugated which, in many cases, results in his death during combat. This, in this case, serves the same purpose being similar to his legislated punishment.

According to the majority of scholars, the *Mu'āhid* and *Ḥarbī*, unlike the Muslim guilty of the crime of aggravated apostasy,⁵⁰ are

⁴⁹ Refer to the sub-chapter, *The Reason for Fighting the Disbelievers*, in the 10th chapter, *The Categories of People Fought*, in *Fiqh of Jihād: Understanding the Obligation* (pp.151-163) for statements of the scholars and the evidence they relied upon in coming to this conclusion.

⁵⁰ Scholars, such as ibn Taymiyyah, have mentioned, “Apostasy is of two types; **Simple Apostasy** (*ar-Riddah al-Mujarradah*), and **Aggravated Apostasy** (*ar-Riddah al-Mughalladah*).” (*Aṣ-Ṣārim al-Maslūl*, p.460). In *Majmū' al- Fatāwā* (20/103) he states, “(the type of) apostasy must be distinguished - between Simple Apostasy; in which case the apostate is executed unless they repent, and Aggravated Apostasy; in which case the apostate is executed without being asked, and regardless of their voluntarily repentance.” Simple Apostasy, in most cases, is upgraded to Aggravated Apostasy due to the accompaniment of some type of

pardoned if they repent. Meaning, they embrace Islām voluntarily. This is due to the principle that ‘(embracing) Islām erases everything (i.e. every sin) before it,’ derived from the *Hadīth* recorded in *Musnad Ahmad: Musnad ash-Shāmiyyīn* (17827), wherein the Prophet ﷺ said to ‘Amr ibn al-‘Ās رَضِيَ اللَّهُ عَنْهُ:

يَا عَمْرُو أَمَا عَلِمْتَ أَنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ مِنَ الذُّنُوبِ؟

“O ‘Amr, don’t you know that Islām erases every sin that came before it?”⁵¹

This is also confirmed by the *Sunnah* of the Messenger of Allāh ﷺ, wherein he accepted the repentance - meaning the Islām - of many of Islām’s greatest enemies, including those who previously slandered and insulted him ﷺ. Amongst these individuals were ‘Abdullāh ibn Sa’d ibn Abī Sarḥ and ‘Abdullāh ibn az-Zab’arī ‘the Poet of the Quraysh’ رَضِيَ اللَّهُ عَنْهُ.⁵² That being said, the majority of scholars holding this position also hold that, before being executed, the disbeliever

aggression. Meaning, that it begins to directly (negatively) affect other than its doer. A contemporary example of Aggravated Apostasy is the person who, after renouncing Islām, proceeds to embark upon a crusade against Islām, seeking thereby to encourage Muslims to apostate from Islām. Alternatively, the aim may be to assist the disbelievers in their physical and/or intellectual attacks against Islām and the Muslims, as many of the shameless ‘ex-Muslim’ personalities on social media and elsewhere advocate. The London based *Quilliam Foundation* is but one evident example of the latter.

⁵¹ The *Hadīth* is *Ṣaḥīḥ* (authentic) according to the conditions of Muslim. In *Ṣaḥīḥ Muslim: The Book of Faith* (121) there is also a similar narration, with the wording:

الْإِسْلَامَ يَهْدِمُ مَا كَانَ قَبْلَهُ

“Islām obliterates that which came before it.”

⁵² Refer to the works on *Sīrah*, and specifically the chapters detailing the Conquest of Makkah, for the accounts of the repentance of these former enemies of Islām, such as *The Noble Life of the Prophet ﷺ*, (3/1740-1744) and ibn Kathīr’s *The Life of the Prophet Muḥammad ﷺ* (3/418&419). An-Nasā’ī, in his *Sunan: The Book of the Prohibition of Bloodshed* (4067) recorded a narration detailing the repentance of ibn Abī Sarḥ رَضِيَ اللَّهُ عَنْهُ documented on page 61.

should not be asked or encouraged to embrace Islām, as mentioned by scholars such as *Imām Aḥmad ibn Ḥanbal* رحمه الله. ⁵³

⁵³ Refer to *as-Ṣārim al-Maslūl* (p.300) and its *Mukhtaṣar* (p.31), wherein Aḥmad is quoted as saying, “Everyone, whether Muslim or disbeliever, that insults the Prophet ﷺ is to be killed, and my opinion is that he is to be killed without be asked to repent.”

SPEAKING-ILL OF ALLĀH OR HIS MESSENGER ﷺ IS AN ACT THAT NULLIFIES THE COVENANT

As has been touched upon throughout the previous chapters, the act of cursing, belittling, or insulting Allāh ﷻ, His Messenger ﷺ, and His Religion, erases any covenants or treaties the *Mu’āhid* may have enjoyed. This is due to the noble words of Allāh ﷻ in *Sūrah at-Tawbah* (9:12-15) wherein He ﷻ says:

﴿وَإِنْ نَكَثُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي دِينِكُمْ فَقَاتِلُوا أَيْمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنْتَهُوْنَ ۚ أَلَا تَقَاتِلُونَ قَوْمًا نَكَثُوا أَيْمَانَهُمْ وَهَمُّوا بِإِخْرَاجِ الرَّسُولِ وَهُمْ بَدَءُوكُمْ أَوَّلَ مَرَّةٍ أَتَخْشَوْنَ اللَّهَ فَاللَّهُ أَحَقُّ أَنْ تَخْشَوْهُ إِنْ كُنْتُمْ مُؤْمِنِينَ ۚ قَاتِلُوهُمْ يُعَذِّبُهُمُ اللَّهُ بِأَيْدِيكُمْ وَيُخْزِيهِمْ وَيُنْصِرْكُمْ عَلَيْهِمْ وَيَشْفِ صُدُورَ قَوْمٍ مُؤْمِنِينَ ۚ وَيُذْهِبَ غَيْظَ قُلُوبِهِمْ ۖ وَتُتُوبَ اللَّهُ عَلَى مَنْ يَشَاءُ ۚ وَاللَّهُ عَلِيمٌ حَكِيمٌ ۝﴾

And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease. Would you not fight a people who broke their oaths and determined to expel the Messenger, and they had begun [the attack upon] you the first time? Do you fear them? But Allāh has more right that you should fear Him, if you are [truly] believers. Fight them; Allāh will punish them by your hands and will disgrace them and give you victory over them and satisfy the breasts [i.e., desires] of a believing people and remove the fury in their [i.e., the

believers'] hearts. And Allāh turns in forgiveness to whom He wills; and Allāh is Knowing and Wise.

The classical scholars understood from this, that the one who defames the religion has broken his or her treaty and has become one of the leaders of disbelief due to their audaciousness in committing such a despicable and inexcusable act. It is not a condition, as some may erroneously think, that the disbeliever must be guilty of both violating his oath *and* defaming Islām to be fought. Rather, the committal of any one of these violations, even in isolation, is sufficient to fall within the implications of these noble verses.

As such, *Imām al-Qurṭubī* رحمه الله says in his *Tafsīr* of the verse (9:12), “With us, the implications of the verse are that if they break their covenant it becomes permissible to fight them. However, if they defame the religion, even though they still adhere to the terms of their treaty, it also becomes permissible to fight them.”

As-Subkī رحمه الله likewise said regarding the noble verse (9:12) in *as-Sayf al-Maslūl* (p.276), “There is no doubt in the permissibility of killing the blasphemer who breaks his covenant by defaming the religion.”

Al-Māwardī رحمه الله⁵⁴ says similarly; “As for insulting the Messenger of Allāh ﷺ, then it from those acts that nullifies the (peace) treaty and covenant of *Dhimma*, as is insulting the Qur’ān.”⁵⁵

Moreover, *Shaykh al-Islām ibn Taymiyyah* رحمه الله commented regarding the noble verses in *Sūrah at-Tawbah* (9:8-15) in *aṣ-Ṣārim al-Maslūl* (p.11), saying:

“... How can there is a covenant for them when, if they should overpower you they would pay no regard to the ties of kinship

⁵⁴ He is Abū Ḥasan ‘Alī ibn Muḥammad ibn Ḥabīb al-Māwardī. He was a judge and *Faqīh* in from the *Shāfi’ī* school. Amongst the works he is perhaps most well-known for his work *Aḥkām as-Sultāniyyah*, which has been translated into English. He died aged 86 in the year 450 *Hijrī*.

⁵⁵ *As-Sayf al-Maslūl* (p.264)

or covenant? Therefore, we know that whoever’s condition is such that if they were to overpower us they would not regards that which is between us and them from covenants, then there is no covenant for such people. In addition, whoever makes apparent their criticism of our religion is indicating, that if they were to overpower us, they would not regard any covenant...

﴿وَإِنْ نَكَثُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي دِينِكُمْ فَقَاتِلُوا
أَيِّمَةَ الْكُفْرِ﴾

And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief.

This verse is evidence from a number of perspectives: The first; violation of their oaths itself necessitates fighting them, and criticism concerning the religion is a specific, and stronger reason obliging their being fought. Alternatively, it is mentioned by way of clarifying the reason for fighting, or because of it, fighting was obliged in this verse, with His saying, ***then fight the leaders of disbelief***, and with His saying, ***Would you not fight a people who broke their oaths and determined to expel the Messenger***. According to this, it is permissible that an assurance of safety is given and that a covenant is made with those from whom only a violation of their oaths occurred. But as for those who criticized the religion or something from it, then indeed it is prescribed that they are to be fought. And it was the *Sunnah* (i.e. habitual practice) of the Messenger of Allāh ﷺ that he would spill the blood of whoever harmed Allāh and His Messenger ﷺ by criticising the religion, or something from it...

So indeed, breaking the covenant permits their being fought; and criticising the religion or any part of it, is an emphasised clause that obliges (fighting). So we say that whenever there is offensive criticisms (of the religion) we fight whoever we do not have a covenant with, and that is obligatory. While as for those we have a covenant with, the fighting becomes even more

obligatory due to the need to subdue them ... (and) the Qur'ān obliges the killing of whoever has broken their oath and criticized our religion...

If we do so, they will be punished and disgraced, and we will be given victory over them. In addition to the anger and pain within the believers' hearts being cured...⁵⁶ This is according to the words of Allāh ﷻ (9:14):

﴿قَتِلُوهُمْ يَْعَذِّبُهُمُ اللَّهُ بِأَيْدِيكُمْ وَيُخْزِهِمْ وَيَنْصُرْكُمْ عَلَيْهِمْ وَيَشْفِ صُدُورَ قَوْمٍ مُّؤْمِنِينَ ۖ وَيُذْهِبَ غَيِّظَ قُلُوبِهِمْ﴾

Fight them; Allāh will punish them by your hands and will disgrace them and give you victory over them and satisfy the breasts [i.e., desires] of a believing people and remove the fury in their [i.e., the believers'] hearts.

Further evidence of the act of cursing, belittling, or insulting Allāh ﷻ, His Messenger ﷺ, and His Religion violating the covenant is apparent in the assassinations of Ka'b ibn al-Ashraf and Abū Rāfi'.

In *Ṣaḥīḥ Muslim: The Book of Jihād and Expeditions* (1801) 'Amr narrates that he heard Jābir رضي الله عنه saying, as part of a longer narration:

قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ؟ فَإِنَّهُ قَدْ آذَى اللَّهَ وَرَسُولَهُ»، فَقَالَ مُحَمَّدُ بْنُ مَسْلَمَةَ: يَا رَسُولَ اللَّهِ، أَتُحِبُّ أَنْ أَقْتُلَهُ؟ قَالَ: «نَعَمْ»...

“The Messenger of Allāh ﷺ said, ‘Who will deal with Ka'b ibn al-Ashraf? He has indeed harmed (i.e. abused) Allāh and His Messenger.’ Muḥammad ibn Maslamah said, ‘O Messenger of Allāh, do you wish that I should kill him?’ He said, ‘Yes.’...”⁵⁷

⁵⁶ Mukhtaṣar aṣ-Ṣārim al-Maslūl (pp.36-39) and *The Unsheathed Sword* (pp.20-24)

⁵⁷ Narrations detailing this incident are also recorded in *Ṣaḥīḥ al-Bukhārī* (2510, 3031, 3032, & 4037), *Sunan Abī Dāwūd: The Book of Jihād* (2768), and *Musnad Aḥmad* (14393,14490,14796,15026&15192)

The *Ḥadīth* then goes on to detail the entire incident, which is not necessary for the discussion at hand. However, what does pertain to this chapter is the fact that Ka’b ibn al-Ashraf had been the recipient of a covenant from the Muslims. However, he would go on to compose poetry speaking ill of the Messenger of Allāh ﷺ and attacking the dignity of the Muslim women. With that, his covenant was nullified and the Prophet ﷺ promptly ordered his assassination without informing him of the dissolution of his covenant.

Al-Qāḍī ‘Iyyād رحمه الله explained in *ash-Shifā* (2/193), “The reason for his assassination was due to his slandering (the Messenger ﷺ)... and not his *Shirk* (associating partners with Allāh ﷻ).”⁵⁸ An-Nawawī رحمه الله⁵⁹ remarks similarly in his explanation of the *Ḥadīth* (1801) in *al-Minhāj*. Ibn Hajar رحمه الله⁶⁰ also echoes this in his explanation of al-Bukhārī’s⁶¹ رحمه الله narration of the incident (2510) in *Fath al-Bārī* wherein he quotes as-Suhaylī رحمه الله as stating, “With his ﷺ words ‘Who will deal with Ka’b ibn al-Ashraf?’ is the permissibility to kill whoever curses the Messenger of Allāh ﷺ, even if he is the recipient of a covenant.”

⁵⁸ *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (pgs.719&720)

⁵⁹ He is Abū Zakariyyah Yaḥyā ibn Sharaf an-Nawawī. He was born in Hawran, near Damascus in Muḥarram 631 *Hijrī*. He was a one of the all-time elite *Fuqahā* (pl. of *Faqīh*) of the *Shāfi’ī* school in addition to being a *Muḥaddith*. He wrote numerous works; among the more popular and widespread of them being *Riyāḍ aṣ-Ṣāliḥīn* and *Forty-Ḥadīth an-Nawawī*, which are both available in English, and his explanation of *Ṣaḥīḥ Muslim*, considered by many scholars to be the best explanation of *Ṣaḥīḥ Muslim*. He died at the age of 44 in Rajab 676 *Hijrī*.

⁶⁰ He is Shihāb ad-Dīn Abu’l- Faḍl Aḥmad ibn Hajar al-‘Asqalānī. He was from the leading scholars of history and *Ḥadīth* and followed the *Shāfi’ī* school of *Fiqh*. He was born in Cairo, Egypt, in the year 773 *Hijrī* and died in the same city in the year 852 *Hijrī*. He wrote numerous works; among them were *Bulūgh al-Marām*, *Nukhbah al-Fikr* and its explanation, and arguably the best explanation of *Ṣaḥīḥ al-Bukhārī*, *Fath al-Bārī*.

⁶¹ *Imām* al-Bukhārī was born on 13th Shawwāl in the year 194 *Hijrī* in Bukhāra in the territory of Khurāsān (West Turkistān). His name is Muḥammad ibn Isrā’īl ibn al-Mughīrah al-Bukhārī. It is unanimously agreed that *Imām* Bukhārī’s work is the most authentic of all the works in *Ḥadīth* ... He died on 1st Shawwāl in the year 256 *Hijrī*, and was buried in Khartank, a village near Samarkand.

Shaykh al-Islām ibn Taymiyyah رَحِمَهُ اللهُ says about the incident in *aṣ-Ṣārim al-Maslūl* (pgs.72&73), “Ka’b ibn al-Ashraf had defamed the Prophet ﷺ, therefore the Messenger of Allāh ﷺ deputised (Muḥammad ibn Maslamah رَضِيَ اللهُ عَنْهُ) to assassinate him. Afterwards the companions of Ka’b approached the Messenger of Allāh ﷺ exclaiming, ‘He was our chief and was assassinated!’ Immediately, the Messenger of Allāh ﷺ responded:

إِنَّهُ لَوْ قَرَّرَ كَمَا قَرَّرَ غَيْرُهُ لَمَا أُوذِيَ، لَكِنَّهُ نَالَ مِنَّا الْأَذَى وَهَجَّنَا بِالشَّعْرِ، وَلَمْ يَفْعَلْ هَذَا أَحَدٌ مِنْكُمْ إِلَّا كَانَ لَهُ السَّيْفُ

“Indeed if he would have calmed down like others (sharing his views) he would not have been harmed. However, he harmed us and slandered us with (his) poetry, and none of you would do the same except that the sword would be his lot!”

... Ka’b was a *Mu’āhid*, however when he spoke-ill (of the Prophet ﷺ) he violated his covenant. the Prophet ﷺ then said about him, ‘He has indeed harmed (i.e. abused) Allāh and His Messenger,’ and everyone that harms Allāh and His Messenger ﷺ is to be killed. According to the agreement (i.e. *Ijmā’*) of the Muslims, to curse (Allāh and/or His Messenger ﷺ) is to harm Allāh and His Messenger, and it thus becomes *Wājib* to kill such a person.”⁶²

Ibn Ḥajar al-‘Asqalānī رَحِمَهُ اللهُ said in *Fath al-Bārī*, commenting on *Ḥadīth* (4038), “The Aws did not do anything (praiseworthy) except that the Khazraj would say, ‘By Allāh, they will not overtake us with this virtuous (act),’ and likewise were the Aws. Therefore, when the Aws killed Ka’b ibn al-Ashraf, the Khazraj (asked each other) ‘who is like Ka’b was in his enmity towards the Messenger of Allāh ﷺ.’ They then mentioned ibn Abī al-Ḥuqayq (i.e. Abū Rāfi’).” Thus, not wanting to pass up on the (heavenly) reward involved, men from the Khazraj tribe petitioned the Messenger of Allāh ﷺ to permit them to assassinate the enemy of Allāh - Abū Rāfi’.

⁶² Mukhtaṣar *aṣ-Ṣārim al-Maslūl* (p.45), and this statement is partially recorded in *The Unsheathed Sword* (p.47)

Al-Bukhārī رَحِمَهُ اللَّهُ records the incident surrounding this subsequent assassination in his *Ṣaḥīḥ: The Book of Military Expeditions led by the Prophet* (4039), wherein al-Barā ibn ‘Āzib رَضِيَ اللَّهُ عَنْهُ narrated:

بَعَثَ رَسُولُ اللَّهِ ﷺ إِلَى أَبِي رَافِعٍ الْيَهُودِيِّ رَجُلًا مِنَ الْأَنْصَارِ، فَأَمَرَ عَلَيْهِمْ عَبْدَ اللَّهِ بْنُ عَتِيكٍ، وَكَانَ أَبُو رَافِعٍ يُؤْذِي رَسُولَ اللَّهِ ﷺ وَيُعِينُ عَلَيْهِ...

“The Messenger of Allāh ﷺ dispatched a group from the *Anṣār* to (assassinate) Abū Rāfi’ the Jew who used to slander the Messenger of Allāh ﷺ and assist others against him, and appointed over them ‘Abdullāh ibn ‘Atīk...”

فَدَخَلَ عَلَيْهِ عَبْدُ اللَّهِ بْنُ عَتِيكٍ لَيْلًا وَهُوَ نَائِمٌ فَقَتَلَهُ

“So he (‘Abdullāh ibn ‘Atīk) entered his house at night whilst he was sleeping and killed him.”⁶³

Al-Qāḍī and ibn ‘Aqīl⁶⁴ رَحِمَهُمَا اللَّهُ said regarding the issue at hand, “Indeed, that which nullifies *Īmān* (also) nullifies *Amān* (i.e. the covenant), if it is made public.”⁶⁵ Meaning, as al-Qāḍī ‘Iyyād explained; those actions and/or words which, if performed by a Muslim, would constitute an act of apostasy, invalidate the covenant of the *Mu’āhid* if he commits them openly. Such as ascribing divinity to other than Allāh ﷻ, and speaking ill of Allāh ﷻ, His Messenger

⁶³ *Ṣaḥīḥ: The Book of Military Expeditions led by the Prophet* (4038). Other narrations concerning this incident are recorded in *Ṣaḥīḥ al-Bukhārī* (3022, 3023, 4039, & 4040)

⁶⁴ He is Abu’l-Wafā’ ‘Alī ibn ‘Aqīl ibn Muḥammad al-Baghdādī, al-Ḥanbalī. He was born in 431 *Hijrī* and was one of ‘Iraq’s biggest scholars and was the Shaykh of the Ḥanbalī’s in Baghdād during his time. He died in the year 513 *Hijrī*.

⁶⁵ Refer to *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.105) and *The Unsheathed Sword* (p.92). Although, in *The Unsheathed Sword* the statement has been (mis)translated as, “All that which nullifies faith is manifested.” However, the Arabic text is:

أَنَّ مَا أَبْطَلَ الْإِيمَانَ أَبْطَلَ الْأَمَانَ إِذَا أَظْهَرَهُ

ﷺ, or His religion, “for indeed, their covenants do not exempt them from the laws of Islām.”⁶⁶

In *as-Sayf al-Maslūl* (p.265) as-Subkī رحمه الله mentions the Companions of the Prophet ﷺ reached a consensus on the necessity to kill the *Mu’āhid* who utters blasphemy regarding the Prophet ﷺ.

...

This chapter is of particular relevance today, as many Muslims residing in the lands of the disbelievers, particularly those in the west, have been swayed somewhat by the opinion that they are party to a valid covenant of security with the state or the country in which they reside. This belief holds that, by virtue of a Muslim’s presence in the lands of the disbelievers, possessing citizenship, a passport, visa, or other such documentation, they have implicitly entered into a reciprocal covenant of security. A covenant that, according to the dictates of Islām, must be adhered to by its believing participants.

While this essay it is not the place to discuss the validity of such opinions,⁶⁷ this chapter should be sufficient to highlight that the act of cursing Allāh ﷻ, His Messenger ﷺ, and defaming the religion is one nullifying any treaty or covenant of security that may have existed. Accordingly, even those who ascribe to the aforementioned opinion should understand their freedom from the dictates of any such covenant with those guilty of blasphemy. Moreover, as Allāh ﷻ commands, which will be expanded on shortly by His permission:

﴿فَقَاتِلُوا أَيمَّةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ﴾

fight the leaders of disbelief, for indeed, there are no oaths for them.

⁶⁶ *Ash-Shifā* (2/223), and its translation, *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.764)

⁶⁷ For a critique of this claim, albeit a partial one from the perspective of the implications of the visa document, refer to *Fiqh of Jihād: Understanding the Obligation* (Second Edition), (pp.385-410). It can be downloaded [here](#).

Another important principle worthy of mention, as pointed out by *Shaykh al-Islām* رَحِمَهُ اللهُ, is that those who aid, support, or defend a particular individual or group become partners with them in their recompense. This principle holds true whether it happens to be a recompense entailing reward or punishment. He says in *as-Siyāsah ash-Shar’iyyah* (p.257), “Whoever gives shelter to a *Muḥārib* (i.e. bandit), a thief, a murderer, or someone like them from those deserving of a *Hadd* (i.e. Prescribed Punishment), or who is withholding one of Allāh’s Rights... He is (considered as) a partner in his crime, and is cursed by Allāh and His Messenger ﷺ.” Ibn Taymiyyah رَحِمَهُ اللهُ then goes on to mention a *Ḥadīth* wherein ‘Alī ibn Abī Ṭālib رَضِيَ اللهُ عَنْهُ narrates that the Messenger of Allāh ﷺ said:

لَعَنَ اللَّهُ مَنْ أَحْدَثَ حَدَثًا، أَوْ آوَى مُحْدِثًا

“Allāh’s curse is upon whoever commits corruption in the land, or whoever shelters the one who commits corruption.”⁶⁸

The ramifications of this principle mean those, whether they are individuals, groups, or even states, who harbour and/or encourage those who take it upon themselves to speak-ill of Allāh ﷻ and His Messenger ﷺ take the same ruling as the perpetrator(s). This applies both to their violation of covenants and their Islamically legislated punishment. Meaning, those states that protect the blasphemers, by

⁶⁸ I failed to locate the exact wording of the *Ḥadīth* *Shaykh al-Islām* attributed to *Ṣaḥīḥ Muslim* in one single *Ḥadīth* alone. The closest I came across to it in wording and meaning in *Ṣaḥīḥ Muslim* was the *Ḥadīth* (1978) wherein ‘Alī ibn Abī Ṭālib رَضِيَ اللهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said:

لَعَنَ اللَّهُ مَنْ آوَى مُحْدِثًا

“Allāh curses whoever shelters one who commits corruption in the land,”

Also close to the above narration, in both wording and meaning, is the *Ḥadīth* recorded in *Sunan Abī Dāwūd: The Book of Blood Money* (4530) wherein ‘Alī رَضِيَ اللهُ عَنْهُ narrates that the Messenger of Allāh ﷺ informed him:

مَنْ أَحْدَثَ حَدَثًا، أَوْ آوَى مُحْدِثًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ

“Allāh’s curse, as well as the curse of the angels and mankind altogether, is upon whoever commits corruption in the land, or whoever shelters the one who commits corruption.”

law or any other way, under the guise of ‘freedom of expression’⁶⁹ and other such misnomers that apparently define Western ‘liberties’ and ‘freedoms’, have also nullified any covenants that may have existed between them and the Muslims. Consequently, Muslim residents or visitors to such countries and states are not bound by any agreement or covenant, especially those of an implicit nature, with any parties guilty of blasphemy. And if they are protected by their governments, the government, and by extension all those whom they represent,⁷⁰ the Muslims is equally not bound by any covenant with them, and Allāh ﷻ indeed knows best.

⁶⁹ The Prophet said ﷺ:

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيَقُلْ خَيْرًا أَوْ لِيَصْمُتْ

“Whoever believes in Allāh and the Last Day should either speak good words, or remain silent.” (Ṣaḥīḥ Muslim: 48)

It is thus apparent that the Islamic concept of ‘freedom of speech’, grants the individual the freedom to say anything they wish, as long as it is good. While all evil speech, and that which opposes the Book and the *Sunnah*, and which harms others is not included in ‘freedom of speech’. Rather, it is *Ḥarām* (i.e. prohibited) and considered blameworthy, and may warrant punishment (in this life) depending on its severity.

⁷⁰ It is therefore suggested that those wishing not to be tarred with the same brush as their criminal governments and regimes, make evident their rejection and disassociation from such behaviour on part of their leaders, lest they inadvertently suffer the consequences of others’ actions. Just like western powers expect the Muslims who reside in regions wherein Muslim ‘terrorists’ are present to do.

EVIDENCE FROM THE QUR’ĀN AND THE SUNNAH THAT WHOEVER CURSES, BELITTLES OR INSULTS THE MESSENGER OF ALLAH ﷺ IS TO BE KILLED

In the works of al-Qāḍī ‘Iyyāḍ, ibn Taymiyyah, as-Subkī and all those who have written specifically on the subject رَحِمَهُمُ اللَّهُ, numerous verses, *Aḥādīth* and narrations (from the *Salaf*) were collected. However, in order to preserve this essay’s relative brevity, this chapter will document only a few from each category. This comes with a reminder and, as ‘Alī ibn Abī Ṭālib رَضِيَ اللَّهُ عَنْهُ⁷¹ said, “Whoever disbelieves in one letter from (the Qur’ān) has disbelieved in the entire Qur’ān.”⁷² Likewise, as mentioned by *Imām Aḥmad* رَحِمَهُمُ اللَّهُ, “Whoever rejects a statement from the Messenger of Allāh ﷺ is on the brink of destruction!”⁷³ Allāh’s Words superbly clarify this notion, when He ﷻ said in *Sūrah al-Aḥzāb* (33:36):

⁷¹ He is *Amīr al-Mu’minīn* ‘Alī ibn Abī Ṭālib ibn ‘Abd al-Muṭṭalib. He was the cousin of the Messenger of Allāh ﷺ and at 13 was the first child to accept Islām at the hands of the Prophet ﷺ in addition to being raised in the Prophet’s household and one of the ten promised Paradise. He would accompany the Prophet ﷺ throughout his entire mission, and participate in all of the battles, except Tabūk, as the Prophet ﷺ had delegated him to look after the affairs of al-Madīnah whilst he was away. He married Fāṭimah, the daughter of the Prophet ﷺ, and through their offspring, the lineage of the Prophet ﷺ descended. After the murder of ‘Uthmān ibn ‘Affān, he became the fourth of the *Rightly-Guided Caliphs*. He was murdered in the year 40 *Hijrī* by the *Khārijī* ibn Maljam after leading the *Ummah* for 4 years and 9 months.

⁷² *Sharḥ Lum’ah al-‘Iṭiqād: Faṣl al-Qur’ān al-Karīm* (p.57) and its English translation, *The Illuminating Creed: (Chapter) The Qur’ān is the Speech of Allāh* (p.17).

⁷³ *Manāqib al-Imām Aḥmad* (Chapter 22, p.249) and its English translation, *The Life of Ibn Ḥanbal: (Chapter 22) His Reverence for Ḥadīth Transmitters and Adherents of the Sunnah* (p.89)

Evidence from the Qur'ān and the Sunnah that Whoever Curses, Belittles or Insults the Messenger of Allāh ﷺ is to be Killed

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا﴾^(٣٦)

It is not for a believing man or a believing woman, when Allāh and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allāh and His Messenger has certainly strayed into clear error.

Allāh ﷻ also warns those Muslims who may be inclined to oppose His Messenger's ﷺ command, saying in *Sūrah an-Nūr* (24:63):

﴿فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ﴾^(٦٣)

So let those beware who dissent from his [i.e., the Prophet's] order, lest Fitnah strike them or a painful punishment.⁷⁴

Consequently ash-Shāfi'ī رحمه الله ruled that, “The Muslims are unanimously agreed that if a *Sunnah* of the Messenger of Allāh ﷺ is made clear to someone, it is not permitted to leave it for the saying of anyone else.”⁷⁵

...

Evidence from the Book of Allāh ﷻ: Scholars have relied upon the following verses, amongst others, to establish the obligation of killing those who curse Allāh and His Messenger ﷺ:

⁷⁴ According to scholars such as *Imām Aḥmad*, the word **Fitnah** in this verse means *Shirk*. Refer to the 38th chapter in *Kitab at-Tauhid: Whoever obeys the Scholars and the Rulers, forbidding what Allāh has made permissible and permitting what He has made forbidden, has certainly taken them as Lords (besides Allāh)*, (p.130)

⁷⁵ *I'lām al-Muwaqqi'in* (4/40)

Firstly, in *Sūrah al-Aḥzāb* (33:57) Allāh ﷻ says:

﴿إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُهِينًا﴾
٥٧

Indeed, those who abuse Allāh and His Messenger - Allāh has cursed them in this world and the Hereafter and prepared for them a humiliating punishment.

Shaykh al-Islām رحمه الله says about this verse, “This necessitates that whoever harms Allāh and His Messenger is killed, and we do not make any covenant with them to harm Allāh and His Messenger. This is clarified by his statement ﷺ, ‘Who will deal with Ka’b ibn al-Ashraf, for he has indeed harmed Allāh and His Messenger?’”⁷⁶ Ibn Taymiyyah also says about those whom Allāh curses in His Book that they “are either disbelievers, or those whose blood is permissible to be spilt.”⁷⁷

As-Sa’dī رحمه الله⁷⁸ says in his *Tafsīr* on the verse, “**those who abuse Allāh and His Messenger** - this includes all kinds of offence, in word or in deed, such as reviling, insulting, criticising him or his religion, or doing anything that will cause offence to him. **Allāh has cursed them in this world**, that is, He has cast them far away from His Mercy, and part of the curse on them in this world is that the one who

⁷⁶ *Aṣ-Ṣārim al-Maslūl* (p.27), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.40) and *The Unsheathed Sword* (pgs.25&26)

⁷⁷ *Aṣ-Ṣārim al-Maslūl* (p.47), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.44) and *The Unsheathed Sword* (p.36)

⁷⁸ He is Shaykh ‘Abd ar-Raḥmān ibn Nāṣir as-Sa’dī. He was born in ‘Unayzah in the year 1307 *Hijrī* and became known for his piety, renouncement of the worldly pleasures, and *Da’wah*. He taught many of the leading scholars of the era including Shaykh ibn al-‘Uthaymīn. Amongst his well-known works are his *Tafsīr*, *al-Karīm ar-Raḥmān*, translated into English and published in 10 volumes by IIPH. Other works are his commentary on *Kitāb at-Tawḥīd*, *Qawl as-Sadīd*, and his poem on the principles of *Fiqh*, *al-Qawā’id al-Fiqhiyyah*. He died in the year 1367 *Hijrī*.

reviles the Messenger ﷺ or says something offensive about him is executed.”

Secondly, as has been mentioned, Allāh ﷻ says in *Sūrah at-Tawbah* (9:12):

﴿وَإِنْ تَكْثُرُوا أَيَّمَنُكُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعْنُوا فِي دِينِكُمْ فَقَاتِلُوا
أَيِّمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ ۚ﴾

And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths for them; [fight them that] they might cease.

Ibn al-‘Arabī رحمه الله⁷⁹ says regarding this verse in his *Tafsīr, Ahkām al-Qur’ān*, “Allāh commands that those who insult the religion are to be fought and killed.”

Ibn Taymiyyah رحمه الله says in *aṣ-Ṣārim al-Maslūl* (p.13), “Defamation on the religion is specifically one of greatest causes that mandate (i.e. make obligatory) fighting... and whoever insults the religion is to be singled out specifically for being fought. It was the *Sunnah* (i.e. practice) of the Messenger of Allāh ﷺ that he would spill the blood of whoever spoke ill of Allāh and His Messenger and/or attacked the religion. Moreover, the ruling of fighting or killing takes affect when either one of the two clauses in the verse are present - namely, breaking the covenant or treaty, or defaming the religion.”⁸⁰

⁷⁹ He is Abū Bakr Muḥammad ibn ‘Abdullah ibn al-‘Arabī al-Mālikī, not be confused with ibn ‘Arabī the sixth/seventh century (*Hijrī*) *Ṣūfī* heretic and *Zindīq*. He was born Seville, Andalūs (i.e. modern-day Spain) in the year 468 *Hijrī*. He was a judge, *Mufasssir*, and *Faqīh*. Amongst his notable works was his *Tafsīr, Ahkām al-Qur’ān*, not to be confused with Abū Bakr al-Jaṣṣāṣ al-Ḥanafī’s work by the same name, which focuses on the verses of the Qur’ān as they relate to issue pertaining to *Fiqh*. He died in the year 543 *Hijrī*.

⁸⁰ *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.37) and *The Unsheathed Sword* (p.21)

This means, according to Ibn al-‘Arabī رَحِمَهُ اللهُ, “Attributing that which is not befitting to ascribe to the religion, or by mocking and making light of that which is firmly established to be from the religion.”⁸¹ Such as if one was to make fun of the prayer, the beard, or the Muslim women’s modest attire.

Thirdly, Allāh ﷻ says, again in *Sūrah at-Tawbah* (9:29):

﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ﴾

Fight those who do not believe in Allāh or in the Last Day and who do not consider unlawful what Allāh and His Messenger have made unlawful and who do not adopt the religion of truth [i.e., Islām] from those who were given the Scripture - [fight] until they give the Jizyah willingly while they are humiliated.

Shaykh al-Islām ibn Taymiyyah رَحِمَهُ اللهُ said about this verse, “Allāh orders that they be fought until they give the *Jizyah* whilst they are humiliated. Thus, it is not permissible to leave them until they are in a state of humiliation while giving the *Jizyah*... Whoever curses Allāh and His Messenger is (clearly) not humiliated, as to be humiliated means being disgraced...”⁸² For this reason, the command for the believers to fight remains applicable to the blasphemer.

While **from the Sunnah**, scholars have relied upon the following *Aḥādīth* to establish the obligation of killing those who curse Allāh and His Messenger ﷺ:

⁸¹ *Aḥkām al-Qur’ān* (verse 9:12)

⁸² *Aṣ-Ṣārim al-Maslūl* (p.11), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.36) and *The Unsheathed Sword* (p.19)

Firstly, al-Bukhārī رحمه الله records in his *Ṣaḥīḥ: The Book of Jihād and Expeditions* (3031) from Jābir ibn 'Abdullāh رضي الله عنه an abridged narration describing the assassination of Ka'b ibn al-Ashraf:

أَنَّ النَّبِيَّ ﷺ، قَالَ: «مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ، فَإِنَّهُ قَدْ آذَى اللَّهَ وَرَسُولَهُ»، قَالَ مُحَمَّدُ بْنُ مَسْلَمَةَ: أَتُحِبُّ أَنْ أَقْتُلَهُ يَا رَسُولَ اللَّهِ؟ قَالَ: «نَعَمْ»، قَالَ: فَأَتَاهُ، فَقَالَ: إِنَّ هَذَا - يَعْنِي النَّبِيَّ ﷺ - قَدْ عَنَّا وَسَأَلَنَا الصَّدَقَةَ، قَالَ: وَأَيْضًا، وَاللَّهِ لَتَمْلُتُنَّهُ، قَالَ: فَإِنَّا قَدْ اتَّبَعْنَاهُ فَنَكْرُهُ أَنْ نَدْعَهُ، حَتَّى نَنْظُرَ إِلَى مَا يَصِيرُ أَمْرُهُ، قَالَ: فَلَمْ يَزَلْ يُكَلِّمُهُ حَتَّى اسْتَمَكَ مِنْهُ فَقَتَلَهُ

“The Prophet ﷺ said, ‘Who will deal with Ka'b ibn al-Ashraf, for he has indeed harmed Allāh and His Messenger?’ Muḥammad ibn Maslamah said, ‘Would you like that I kill him, O Messenger of Allāh?’ He responded, ‘Yes.’ (Muḥammad ibn Maslamah) then went to (Ka'b) and said, ‘this man - meaning the Prophet ﷺ - has put us to hardship us and has asked us for charity. Ka'b said, ‘By Allāh, you will get tired of him.’ Muḥammad ibn Maslamah responded, ‘Since we have followed him, we dislike abandoning him until we see how his affair will turn out.’ He did not cease speaking to him (i.e. Ka'b) until he overpowered him and then killed him.”⁸³

Secondly, al-Bukhārī رحمه الله records from al-Barā ibn 'Āzib رضي الله عنه an abridged account of the assassination of Abū Rāfi' in his *Ṣaḥīḥ: The Book of Military Expeditions led by the Prophet* (4038):

بَعَثَ رَسُولُ اللَّهِ ﷺ رَهْطًا إِلَى أَبِي رَافِعٍ، فَدَخَلَ عَلَيْهِ عَبْدُ اللَّهِ بْنُ عَتِيكٍ بَيْتَهُ لَيْلًا وَهُوَ نَائِمٌ فَقَتَلَهُ

“The Messenger of Allāh ﷺ dispatched a group of men to (assassinate) Abū Rāfi'. As a result, ‘Abdullah ibn 'Atīk رضي الله عنه

⁸³ Various narrations of the incident can be found in *Ṣaḥīḥ al-Bukhārī* (2510, 3032,&4037), *Ṣaḥīḥ Muslim: The Book of Jihād and Expeditions* (1801), *Sunan Abī Dāwūd: The Book of Jihād* (2768), and *Musnad Aḥmad* (14393,14490,14796,15026&15192)

entered the latter’s house at night while he was asleep and killed him.”

Thirdly, in *Sunan Abī Dāwūd: The Book of Prescribed Punishments* (4361) in the second chapter entitled, *The Ruling Regarding Whoever Curses the Prophet ﷺ*, ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُ narrated:

أَنَّ أَعْمَى كَانَتْ لَهُ أُمٌّ وَلَدِ تَشْتُمُ النَّبِيَّ ﷺ، وَتَقَعُ فِيهِ، فَيَنْهَاهَا، فَلَا تَنْتَهِي، وَيَزْجُرُهَا فَلَا تَنْزَجِرُ، قَالَ: فَلَمَّا كَانَتْ ذَاتَ لَيْلَةٍ، جَعَلَتْ تَقَعُ فِي النَّبِيِّ ﷺ، وَتَشْتُمُهُ، فَأَخَذَ الْمِغُولَ فَوَضَعَهُ فِي بَطْنِهَا، وَاتَّكَأَ عَلَيْهَا فَقَتَلَهَا، فَوَقَعَ بَيْنَ رِجْلَيْهَا طِفْلٌ، فَلَطَخَتْ مَا هُنَاكَ بِالدَّمِ، فَلَمَّا أَصْبَحَ ذُكِرَ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَجَمَعَ النَّاسَ فَقَالَ: «أَنْشُدُ اللَّهَ رَجُلًا فَعَلَ مَا فَعَلَ لِي عَلَيْهِ حَقٌّ إِلَّا قَامَ»، فَقَامَ الْأَعْمَى يَنْخَطِي النَّاسَ وَهُوَ يَنْزَلُ حَتَّى قَعَدَ بَيْنَ يَدَيِ النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ، أَنَا صَاحِبُهَا، كَانَتْ تَشْتُمُكَ، وَتَقَعُ فِيكَ، فَأَنْهَاهَا فَلَا تَنْتَهِي، وَأَزْجُرُهَا، فَلَا تَنْزَجِرُ، وَلِي مِنْهَا ابْنَانِ مِثْلُ اللَّؤْلُؤَيْنِ، وَكَانَتْ بِي رَفِيقَةً، فَلَمَّا كَانَ الْبَارِحَةَ جَعَلَتْ تَشْتُمُكَ، وَتَقَعُ فِيكَ، فَأَخَذْتُ الْمِغُولَ فَوَضَعْتُهُ فِي بَطْنِهَا، وَاتَّكَأْتُ عَلَيْهَا حَتَّى قَتَلْتُهَا، فَقَالَ النَّبِيُّ ﷺ: «أَلَا اشْهَدُوا أَنَّ دَمَهَا هَدْرٌ»

“There was a blind man who had a female slave who had borne him children and would revile the Prophet ﷺ and disparage him. He forbade her but she did not stop, and he rebuked her but she paid no heed. One night she started to disparage the Prophet ﷺ, so he took a dagger, placed it on her stomach, leaned on it, and killed her. There fell between her legs a child smeared with her blood. The next morning mention was made to the Prophet ﷺ, so he assembled the people and said, ‘By Allāh, I adjure the man who did this, to stand up.’ The blind man stood up trembling and made his way through the people and sat before the Prophet ﷺ. He said, ‘O Messenger of Allāh, I am the one who did it. She used to revile and disparage you, and I warned and rebuked her, but she did not stop nor take heed. I have two sons like pearls from her, and she was good to me. Last

night, she started to revile and disparage you, so I took a dagger, placed it on her stomach, and leaned on it until I killed her.' The Prophet ﷺ said, 'bear witness that her blood is worthless.' ”⁸⁴

Fourthly, Abū Dāwūd رحمه الله records, again in his *Sunan*, in the chapter, *The Ruling Regarding the one who Curses the Prophet ﷺ* (4363) that Abū Barzah رضي الله عنه narrated:

عَنْ أَبِي بَرَزَةَ، قَالَ: كُنْتُ عِنْدَ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، فَتَغَيَّظَ عَلَى رَجُلٍ، فَاشْتَدَّ عَلَيْهِ، فَقُلْتُ: تَأْذَنُ لِي يَا خَلِيفَةَ رَسُولِ اللَّهِ ﷺ أَضْرِبُ عُنُقَهُ؟ قَالَ: فَأَذْهَبْتُ كَلِمَتِي غَضَبُهُ، فَقَامَ، فَدَخَلَ، فَأَرْسَلَ إِلَيَّ، فَقَالَ: مَا الَّذِي قُلْتَ أَنْفًا؟ قُلْتُ: ائْذَنُ لِي أَضْرِبُ عُنُقَهُ، قَالَ: أَكُنْتُ فَاعِلًا لَوْ أَمَرْتُكَ؟ قُلْتُ: نَعَمْ، قَالَ: «لَا وَاللَّهِ، مَا كَانَتْ لِيَشْرَ بَعْدَ مُحَمَّدٍ ﷺ»

“I was with Abū Bakr and he spoke harsh words about a man. I said, ‘O *Khalīfah* of the Messenger of Allāh ﷺ, permit me to strike his neck.’ My words took away his anger, and he got up and went inside. The he sent for me and asked, ‘What did you just say?’ I said, ‘Give me permission to strike his neck.’ He said, ‘Would you do that if I ordered you to?’ I replied, ‘Yes.’ He said, ‘No, by Allāh, that is not for anyone after Muḥammad ﷺ.’”

In an-Nasā’ī’s رحمه الله wording of the narration, after Abū Barzah رضي الله عنه requested permission to kill the man, Abū Bakr رضي الله عنه replied:

لَيْسَ هَذَا لِأَحَدٍ بَعْدَ رَسُولِ اللَّهِ ﷺ

“It is not for anyone (that his slanderer be killed) after (i.e. aside from) the Messenger of Allāh ﷺ.”⁸⁵

⁸⁴ An-Nasā’ī also records this incident in his *Sunan: The Book of the Prohibition of Bloodshed: The Ruling Regarding the one who Curses the Prophet ﷺ* (4070)

⁸⁵ Similar narrations are also in *Sunan an Nasā’ī: The Book of the Prohibition of Bloodshed: The Ruling Regarding the one who Curses the Prophet ﷺ* (4071, 4072, 4073, 4074, 4075, 4076 & 4047), and *Musnad Aḥmad* (54 & 61).

It can thus understood that no one is to be killed for cursing any person other than the Prophet(s) ﷺ. Thus, Abū Bakr *aṣ-Ṣiddīq* رضي الله عنه⁸⁶ - the most knowledgeable of this *Ummah* after the Prophet ﷺ - affirmed it is from the exclusive rights of the Prophet ﷺ (due to his prophethood) that anyone who curses him ﷺ is to be killed. Scholars, such as al-Qāḍī ‘Iyyād and others رحمهم الله have said regarding this, that when he was alive ﷺ it was his right to pardon the offender if he saw a benefit in doing so. However, after his death ﷺ none of the Muslims has the right to pardon and forgive the offender on his behalf رضي الله عنه. Instead, his honour رضي الله عنه must be avenged and the blasphemer killed.⁸⁷ About this, ibn ‘Aqīl رحمهم الله ruled, “It is the right of a human that is not waived (by others).”⁸⁸ The only possible exception to this, as has been mentioned, is in the case of the disbeliever that curses, belittles, or insults the Messenger of Allāh ﷺ and then willingly embraces Islām - as (embracing) Islām erases every sin that precedes it. While others, such as ash-Sharkhasī رحمهم الله,⁸⁹

⁸⁶ Abū Bakr *aṣ-Ṣiddīq* ibn Abī Quhāfah. He was born in Makkah 3 years after the Year of the Elephant, and would be one of the Prophet’s closest friends and companions, before and after prophethood. He was the first free man to embrace Islām and the hands of the Prophet ﷺ, and was one of the ten promised Paradise. He married his daughter ‘Ā’ishah to the Prophet ﷺ, who would become the most beloved of people to him ﷺ. From amongst the men, he was the most beloved person to the Prophet ﷺ. The *Ummah* has consensus that he was the most knowledgeable of the *Ummah* after the Prophet ﷺ, and was the best person after the Prophets of Allāh عليه السلام. After the Prophet’s death, he would become the first Caliph, faithfully and courageously administering the Muslim’s affairs for approximately 2½ years before his death in the 12th year *Hijrī* at the age of 63.

⁸⁷ Refer to *ash-Shifā* (p.199&200), *Ash-Shifā: Healing through defining the rights of Prophet Muhammad* ﷺ (p.726&731), and *as-Sayf al-Maslūl* (p.368)

⁸⁸ *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.90) and *The Unsheathed Sword* (p.74). This means, that if a person is wronged, no one has the right to forgive and pardon on behalf of the wronged party, rather the right is exclusively for the wronged. The importance of this issue is underscored by the fact that Allāh ﷻ Himself refuses to forgive the wrongdoer for his or her crime against another unless the injured party chooses to forgive. As such, those who fail to settle such scores in this life will have to settle them on Judgement Day.

⁸⁹ Abū Bakr Muḥammad ibn Aḥmad ibn Abī Sahl ash-Sharkhasī. He was a *Hanaḥī* *Uṣūlī* and *Faqīh*, and was from the greatest scholars of his day. His most famous

hold that the revelation of the verse in *Sūrah at-Tawbah* (9:73) abrogated the command, and choice, the Prophet ﷺ had to overlook and pardon the harms of the disbelievers and *Munāfiqīn*.⁹⁰

So after Allāh ﷻ initially revealed verses such as:

﴿فَاعْفُوا وَاصْفَحُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرٍ﴾

So pardon and overlook until Allāh delivers His command.⁹¹

He ﷺ later abrogated this practice, delivering His divine Command, saying:

﴿يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَهُمْ
جَهَنَّمُ وَبَشِّرِ الْمَصِيرُ﴾ (٧٣)

O Prophet, fight against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination.⁹²

Thereafter, the Prophet ﷺ would no longer overlook, or pardon anyone those who sought to defame him in relation to his office of Prophethood.

In the works of *Sīrah* (i.e. biographical accounts of the Prophet's life and times ﷺ), there are also a number of well-known incidents wherein those who had blasphemed against the Messenger of Allāh ﷺ were killed by the Companions رضي الله عنهم. However, the preceding narrations should suffice for this discussion.

works were *al-Mabsūt*, *Uṣūl ash-Sharkhasī* and *Sharḥ Siyar al-Kabīr*. He died in the year 483 *Hijrī*.

⁹⁰ Refer to *ash-Shifā* (p.199) and *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.729)

⁹¹ *Sūrah al-Baqarah* (2):109

⁹² *Sūrah at-Tawbah* (9):73

In addition to the verses and *Aḥādīth*, ibn Taymiyyah رحمه الله cited the ***Ijmā’ of the Companions*** رضي الله عنهم on the necessity of killing whoever curses, belittles, or insults the Messenger of Allāh ﷺ. He says in *aṣ-Ṣārim al-Maslūl* (p.200), “As for the *Ijmā’* of the Companions رضي الله عنهم on the issue; then the numerous and elaborate narrations concerning the issue are well-known, and none of them showed any disapproval (of those who cursed, belittled, or insulted the Messenger of Allāh ﷺ being put to death). Accordingly, there is consensus (on the issue).”⁹³

Before ibn Taymiyyah رحمه الله, a number of other scholars also conveyed the *Ijmā’* on the issue. Ibn al-Mundhir رحمه الله said,⁹⁴ ‘The generality of the scholars have a consensus that whoever insults him ﷺ is to be killed. Mālik, Layth, Aḥmad, and ash-Shāfi’ī رحمهم الله also said this.’”⁹⁵ As-Subkī رحمه الله also transmits the consensus of the Companions رضي الله عنهم on the issue in *as-Sayf al-Maslūl*.⁹⁶

Accordingly, it is evident that the Companions رضي الله عنهم, the *Salaf* رحمهم الله, and those who followed their understanding and methodology, recognised the obligatory nature of putting to death whoever curses, belittles, or insults the Messenger of Allāh ﷺ. They arrived at this stance due to their understanding of the Qur’ānic verses and their practical implementation, demonstrated through the actions of the Prophet ﷺ, as his actions were certainly nothing more than the enactment of the divine revelation. Indeed, Allāh ﷻ says regarding His Messenger ﷺ in *Sūrah an-Najm* (53:2-4):

﴿مَا ضَلَّ صَاحِبُكُمْ وَمَا غَوَىٰ ۚ وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۚ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ ۚ﴾

⁹³ Mukhtaṣar *aṣ-Ṣārim al-Maslūl* (p.78) and *The Unsheathed Sword* (p.59)

⁹⁴ In *al-Ijmā’* (p.128) (720), *as-Sayf al-Maslūl* (p.119), *Tafsīr al-Qurṭubī* (verse 9:12), and *Nayl al-Awṭār: Kitāb Hadd Shārib al-Khamr* (7/258)

⁹⁵ *Aṣ-Ṣārim al-Maslūl* (p.3), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.31), and *The Unsheathed Sword* (p.13)

⁹⁶ Refer to *as-Sayf al-Maslūl* (p.265)

Evidence from the Qur'ān and the Sunnah that Whoever Curses, Belittles or Insults the Messenger of Allāh ﷺ is to be Killed

Your companion [i.e., Muḥammad] has not strayed, nor has he erred, nor does he speak from [his own] inclination. It is not but a revelation revealed.

As a result, there is no room for anyone to reject and oppose the clear texts of the Book of Allāh, *Sunnah*, and *Ijmā'* concerning the issue. To do so would constitute a clear act of disbelief, as is well known.

THE ISLAMIC RESPONSE TO THOSE GUILTY OF CURSING, BELITTling OR INSULTING THE MESSENGER OF ALLĀH ﷺ

There are two situations requiring discussion in relation to this point, which in reality is the purpose for the compilation of this modest effort. The **first** is related to the required response of those residing in an Islamic state, meaning *Dār al-Islām* - a land ruled in accordance with the Islamic *Sharī’ah*. While the **second** is the response required from the vast majority of Muslims today; those residing in *Dār al-Kufr* - a land ruled with other than the Islamic *Sharī’ah*, even if the majority of its inhabitants happen to be Muslim.

As for the response of **those living in *Dār al-Islām*** to those who violate the *Sharī’ah*, either by performing that which is *Ḥarām* (forbidden), or by neglecting that which is *Wājib* (obligatory). It is upon them to enjoin good and forbid evil, each according to his or her capability. This is in accordance with the *Ḥadīth* recorded in *Ṣaḥīḥ Muslim: The Book of Faith* (49) wherein Abū Sa’īd al-Khudrī رضي الله عنه narrated that he heard the Messenger of Allāh ﷺ say:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ
فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ

“Whoever of you witnesses an evil should change (i.e. prevent) it with his hand; and if he is unable to do that, then he should do so with his tongue; and if he is unable to do that, then he should do so with his heart, and that is the weakest form of *Īmān*.”⁹⁷

⁹⁷ The *Ḥadīth* is also recorded in *Sunan Abī Dāwūd* (1140&4340), *Sunan at-Tirmidhī: The Chapters on Fitan* (2172), *Sunan an-Nasā’ī* (5008&5009), *Sunan ibn Mājah* (1275&4013), and *Musnad Aḥmad* (11073,11150,11460,11492,11514,&11876)

Meaning, according to *Ijmā'*, as stated by an-Nawawī رحمه الله in his commentary of this *Ḥadīth* in *al-Minhāj*, that if one is capable, it is upon him or her physically to prevent evil from occurring in their presence. If a person lacks that capability, then it is upon them to speak against the evil, and verbally prohibit the perpetrator. If they lack the capability to do even that, then the weakest form of *Īmān* is to hate the fact that Allāh ﷻ is being disobeyed. This is in addition to the fact that Allāh ﷻ has withheld from them the ability to physically, or verbally, prevent evil from taking place in their presence.

In response to those claiming enjoining good and forbidding evil is to be undertaken only by the leader or those he has appointed for the task. *Imām* an-Nawawī رحمه الله says in his commentary of the *Ḥadīth* (49) in *al-Minhāj*, “The scholars have said that enjoining good and forbidding evil is not specifically for those in authority. Rather, it is permissible (to be undertaken by) anyone of the Muslims. *Imām al-Ḥaramayn* رحمه الله⁹⁸ said, ‘The evidence for this is the *Ijmā'* of the Muslims; due to the fact that in the first generation (i.e. that of the Companions رضي الله عنهم) it was not (performed by) just those in authority. In the generation that followed them, with the approval of the Muslims, they used to enjoin those in authority to do good and forbid them from evil. They (i.e. the Muslims) did not reprimand them for busying themselves with enjoining good and forbidding evil whilst not being from those in authority,’ and Allāh knows best.”

However, it is ultimately the leaders’ responsibility to bring to justice those who publically disobey Allāh, if their crimes warrant punishment. As Allāh will hold him responsible ﷻ for any apparent corruption in the society, as opposed to the layman, who is

⁹⁸ He is Abū Ma’ālī ‘Abd al-Mālik ibn ‘Abdullāh ibn Yūsuf al-Juwaynī ash-Shāfi’ī. He was born in Nisābūr in the year 419 *Hijrī*. He would begin studying *Fiqh* under the tutelage of his father and, in his time, would become one of the greatest scholars in the *Hijāz* region, and would lead the prayers in both Makkah and al-Madīnah, hence his title *Imām al-Ḥaramayn*. He was an *Uṣūlī* and *Faqīh*, and wrote one of the first works on the subject of *Siyāsah ash-Shar’iyyah*, *Ghiyāth al-Umam*. He died in the year 478 *Hijrī*.

responsible only for that which is within his limited capacity and restricted authority.

Therefore, if someone is found guilty of blasphemy it is the leader’s responsibility is to ensure justice is served and the offender is executed, according to the dictates of the *Sharī’ah*. This can be seen in the following incident documented by ibn Taymiyyah رَحِمَهُ اللهُ in *aṣ-Ṣārim al-Maslūl* wherein a man, ibn Yāmīn, in the presence of the caliph and Muḥammad ibn Maslamah رَحِمَهُ اللهُ, mentioned that he considered the killing of Ka’b ibn al-Ashraf to have been treacherous. Upon hearing this, Muhammad ibn Maslamah رَحِمَهُ اللهُ rebuked the caliph saying, “Is the Prophet ﷺ accused of treachery in your presence and you do not even object! By Allāh, we will never share the same roof again!”⁹⁹ He then “Swore that if he ever saw him (i.e. ibn Yāmīn) again (and he was able)¹⁰⁰ he would certainly kill him as he had attributed treachery to the Prophet ﷺ, and none of the Muslims criticised him (i.e. ibn Maslamah) for taking such a stance.”

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Indeed, *al-Muḥaddith* Muḥammad Hāshim quotes Shaykh Abū Ma’ālī رَحِمَهُ اللهُ¹⁰² in *as-Sayf al-Jaliyy* (p.133), underscoring the importance of punishing the blasphemer, “The leader or his deputy are not (i.e. should not be) deceived regarding the ruling of (the obligatory nature of) killing (the blasphemer). However, if he neglects executing him due to (i.e. seeking to attain) some worldly benefits, and thus he disregards (his duty). He has indeed become pleased with that which has occurred of blasphemy, and thus he has

⁹⁹ *Aṣ-Ṣārim al-Maslūl* (p.90)

¹⁰⁰ Muḥammad ibn Maslamah was advanced in age at the time and without a weapon, and thus not physically capable of killing ibn Yāmīn with his bare hands. However, after some time had passed, he came across him in the graveyard of al-Madīnah after a funeral and severely beat him about the face and head with his stick until he left him motionless, swearing that if he would have had his sword he would indeed have killed ibn Yāmīn. (Refer to *aṣ-Ṣārim al-Maslūl*, p.90)

¹⁰¹ *Aṣ-Ṣārim al-Maslūl* (p.204)

¹⁰² He is Shaykh *al-Qāḍī, al-Faqīh*, Abū Ma’ālī ibn Khawājah. He travelled to *Hind* (i.e. India) in the year 970 *Hijrī*. In his time, he was one of the biggest *Ḥanafī* scholars in the fields of *Uṣūl al-Fiqh* and *Fiqh*.

disbelieved. As (in such a situation) they have become pleased with disbelief, and being pleased with disbelief is disbelief, hence they are disbelievers (i.e. the leader and his deputies).”

Shaykh ibn al-‘Uthaymīn رَحْمَةُ اللَّهِ عَلَيْهِ¹⁰³ said in *Sharḥ al-Mumtī’: Kitāb al-Ḥudūd* (14/441), speaking about the responsibility to kill the apostate, the underlying principle of which applies to this discussion, “He should not be killed except by the *Imām* (i.e. the leader) or his deputy... and it is not permissible to accept ransom for (i.e. to free) the apostate. However, if without the leader’s permission he is killed by someone else, whether this occurs before or after he is called to repent, the killer is not (legally) responsible (for this act), rather he should instead be reprimanded and admonished.” Meaning, he is not to be punished for murder, or required to pay blood money to the family of the deceased. “Except if the apostate escapes to *Dār al-Ḥarb* (i.e. the land of the disbelievers). In that case, it is upon whoever is able to do so to kill him and appropriate whatever wealth he has with him.”

The above statement makes a distinction between the application of the *Sharī’ah*, or specifically its legal punishments (*Ḥudūd*), in the lands of the Muslims, and those cases wherein the offender(s) seeks shelter in the lands of the disbelievers. Ibn al-‘Uthaymīn رَحْمَةُ اللَّهِ عَلَيْهِ said (14/442), again concerning the case of the apostate, “It is permissible in this instance for anyone (i.e. any Muslim) to kill him,” and not solely the Muslim leader or his deputies.

¹⁰³ He is Abū ‘Abdullāh Muḥammad ibn Ṣāliḥ ibn al-‘Uthaymīn, at-Tamīmī. He was born in ‘Unayzah on the 27th Ramaḍān in the year 1347 *Hijrī*. He learnt from his grandfather ‘Abd ar-Raḥmān ibn Sulaymān before becoming a student of the some of the major scholars of his era such as ‘Abd ar-Raḥmān ibn Naṣr as-Sa’dī and Muḥammad *al-Amīn* ash-Shinqītī. He was one of the top scholars of his era, in addition to teaching many of today’s top scholars. He authored numerous beneficial works and commentaries encompassing nearly every field of Islamic knowledge, in addition to recording hundreds, if not thousands, of audio lectures. He died in the year 2001 (CE).

Another distinction can also be made between the majority of the crimes requiring a *Hadd* or a *Ta’zīr* punishment¹⁰⁴ which are generally the responsibility of the leader to apply, and those acts that warrant punishment but are exceptions to this general rule.

One example, recorded in the books of *Tafsīr* as the cause of revelation for verse (4:60), occurred when one of the *Munāfiqīn* had a dispute with a Jew. They took their dispute to the Prophet ﷺ who ruled in favour of the Jew. Being displeased with the decision, the *Munāfiq* then took their case to Abū Bakr رَضِيَ اللَّهُ عَنْهُ who ruled as the Prophet ﷺ did - in favour of the Jew. Still not satisfied, the *Munāfiq* then took their case to ‘Umar رَضِيَ اللَّهُ عَنْهُ who, after ascertaining that the *Munāfiq* had indeed took their case to the Prophet ﷺ and Abū Bakr رَضِيَ اللَّهُ عَنْهُ and was now presenting it to him, went inside his house, got his sword, and killed the *Munāfiq*. He then said, “This is my judgement for the one not pleased with the Judgement of Allāh and the judgement of His Messenger ﷺ.”¹⁰⁵ This was how ‘Umar رَضِيَ اللَّهُ عَنْهُ came to be known as *al-Farūq* - the one who separates between Truth and falsehood. Allāh ﷻ then revealed the verse:

﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ
قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَكَّمُوا إِلَى الطَّغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ
الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا﴾

Have you not seen those who claim to have believed in what was revealed to you, [O Muḥammad], and what was revealed before you? They wish to refer legislation to

¹⁰⁴ Ibn Taymiyyah says in *as-Siyāsah ash-Shar’iyyah* (p.133) regarding the *Ta’zīr* (التعزير), or discretionary punishment, “It is agreed upon that everyone who does an act that is *Ḥarām* or abandons that which is *Wājib* is deserving of punishment. If this (punishment) is not specified by the *Sharī’ah* (i.e. it is not a *Hadd*), it is a *Ta’zīr*, wherein the leader uses his discretion (to decide the type and extent of the punishment).”

¹⁰⁵ *Tafsīr ibn Taymiyyah* (2/285&286)

Tāghūt, while they were commanded to reject it; and Satan wishes to lead them far astray. ¹⁰⁶

Some narrations of the incident, such as ibn Ishāq's رحمه الله, mention that Allāh revealed the verse (4:65):

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾

But no, by your Lord, they will not [truly] believe until they make you, [O Muḥammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission. ¹⁰⁷

Another exception to the general rule was witnessed in the actions of the noble Companion Abū Baṣīr رحمه الله, when he killed his disbelieving captor who was a recipient of the covenant concluded between the Prophet ﷺ and the Quraysh at Ḥudaybiyyah. Not only did he kill his captor, but he escaped captivity, proceeded to set up base on the coast, and “By Allāh, they would not hear about a caravan of Quraysh heading towards *Ash-Shām* except that they intercepted it and killed them (i.e. the disbelievers) and took their property,” as mentioned in al-Bukhārī's *Ṣaḥīḥ*. ¹⁰⁸

Other instances of the Companions رحمه الله taking matters into their own hands relate to their dealings with those who spoke ill of Allāh ﷻ and/or His Messenger ﷺ.

¹⁰⁶ *Sūrah an-Nisā'* (4):60. Refer to al-Wāḥidī's *Asbāb an-Nuzūl*, *Tafsīr al-Qurṭubī*, *Tafsīr al-Baghawī*, *Tafsīr ath-Tha'labī*, and *Tafsīr ibn Taymiyyah* (2/285&286)

¹⁰⁷ Refer to *aṣ-Ṣārim al-Maslūl* (p.38). Ibn Taymiyyah said about it, “This (narration) is *Mursal* (i.e. weak) however it is supported from another angle (i.e. narration) that is sufficient to take a lesson from.”

¹⁰⁸ Refer to *Ṣaḥīḥ al-Bukhārī: The Book of Conditions* (2731) for the full incident.

The *Ḥadīth* regarding the incident of the blind man رَضِيَ اللَّهُ عَنْهُ who killed his female slave¹⁰⁹ that used to speak ill of the Prophet ﷺ, recorded in *Sunan Abū Dāwūd* (4361) has proceeded.¹¹⁰ In it, the blind man رَضِيَ اللَّهُ عَنْهُ took it upon himself to kill her without obtaining prior consent from the Messenger of Allāh ﷺ.

Abū Dāwūd رَحِمَهُ اللَّهُ also records in the same book and chapter in his *Sunan* (4362), another *Ḥadīth* in which ‘Alī ibn Abī Tālib رَضِيَ اللَّهُ عَنْهُ narrated:

أَنَّ يَهُودِيَّةً كَانَتْ تَشْتُمُ النَّبِيَّ ﷺ وَتَقَعُ فِيهِ، فَخَنَقَهَا رَجُلٌ حَتَّى مَاتَتْ،
فَأَبْطَلَ رَسُولُ اللَّهِ ﷺ دَمَهَا

“There was a Jewish woman that used to curse the Prophet ﷺ and disparage him, so a man strangled her until she died, thereafter the Messenger of Allāh declared her blood worthless.”¹¹¹

Meaning, there was no sin involved in spilling her blood nor was any blood money or expiation due from her killer, as usually would be the case if a Muslim unjustly killed someone protected by covenant.

¹⁰⁹ She was what was referred to as an *Umm Walad* (أم الولد), which is a slave women who bears children for her owner. As a result, her owner can no longer sell her, nor can his inheritors inherit her after his death, instead she is freed automatically.

¹¹⁰ Refer to p.43

¹¹¹ Al-Albānī considered this *Ḥadīth* to be *Ḍa’īf* (weak). However, ash-Shawkānī said about it in *Nayl al-Awṭār: Kitāb Ḥadd Shārib al-Khamr* (7/259), “Abū Dāwūd was silent regarding the *Ḥadīth* of ash-Sha’bī from the *Amīr al-Mu’minīn* ‘Alī رَضِيَ اللَّهُ عَنْهُ (i.e. he considered it to be authentic). Al-Mundhirī said, ‘Some of them (i.e. the *Muhaddithīn*) mentioned that ash-Sha’bī heard directly from *Amīr al-Mu’minīn* ‘Alī رَضِيَ اللَّهُ عَنْهُ, while others said that he saw him, and the narrators of the *Ḥadīth* are all narrators (included) in the *Ṣaḥīḥ*.’”

Scholars, such as ibn Taymiyyah, have disputed as to whether these two narrations (i.e. the narrations of ‘Alī and ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُ, the authenticity of which is not disputed) concern the same, or different incidents, with both possibilities existing, and Allāh knows best.

In his *Maghāzī* (1/172), al-Wāqidī رحمه الله¹¹² records the incident of ‘Aṣmā’ bint Marwān’s assassination due to her reviling of the Prophet ﷺ through her poetry:

حَدَّثَنِي عَبْدُ اللَّهِ بْنُ الْحَارِثِ، عَنْ أَبِيهِ، أَنَّ عَصْمَاءَ بِنْتَ مَرْوَانَ مِنْ بَنِي أُمَيَّةَ
بْنِ زَيْدٍ، كَانَتْ تَحْتَ يَزِيدَ بْنِ زَيْدٍ بْنِ حِصْنِ الْخَطَمِيِّ، وَكَانَتْ تُؤْذِي النَّبِيَّ
ﷺ، وَتَعِيبُ الْإِسْلَامَ، وَتُحَرِّضُ عَلَى النَّبِيِّ ﷺ، وَقَالَتْ شِعْرًا:

قَالَ عُمَيْرُ بْنُ عَدِيٍّ بْنِ خَرَشَةَ بْنِ أُمَيَّةِ الْخَطَمِيِّ حِينَ بَلَغَهُ قَوْلُهَا وَتَحْرِیْضُهَا:
اللَّهُمَّ، إِنَّ لَكَ عَلَيَّ نَذْرًا لَئِنْ رَدَدْتَ رَسُولَ اللَّهِ ﷺ إِلَى الْمَدِينَةِ لَأَقْتُلَنَّهَا-
وَرَسُولُ اللَّهِ ﷺ يَوْمئِذٍ يَبْدُرُ- فَلَمَّا رَجَعَ رَسُولُ اللَّهِ ﷺ مِنْ بَدْرٍ جَاءَهَا
عُمَيْرُ بْنُ عَدِيٍّ فِي جَوْفِ اللَّيْلِ حَتَّى دَخَلَ عَلَيْهَا فِي بَيْتِهَا، وَحَوْلَهَا نَفَرٌ مِنْ
وَلَدِهَا نِيَامٌ، مِنْهُمْ مَنْ تُرْضِعُهُ فِي صَدْرِهَا، فَجَسَّهَا يَدِهِ، فَوَجَدَ الصَّبِيَّ
تُرْضِعُهُ فَنَحَاهُ عَنْهَا، ثُمَّ وَضَعَ سَيْفَهُ عَلَى صَدْرِهَا حَتَّى أَنْفَذَهُ مِنْ ظَهْرِهَا، ثُمَّ
خَرَجَ حَتَّى صَلَّى الصُّبْحَ مَعَ النَّبِيِّ ﷺ بِالْمَدِينَةِ.

فَلَمَّا انْصَرَفَ النَّبِيُّ ﷺ نَظَرَ إِلَى عُمَيْرٍ فَقَالَ: أَقْتَلْتَ بِنْتَ مَرْوَانَ؟ قَالَ: نَعَمْ
بِأَبِي أَنْتَ يَا رَسُولَ اللَّهِ. وَخَشِيَ عُمَيْرُ أَنْ يَكُونَ فَنَاتٌ عَلَى النَّبِيِّ ﷺ
بِقَتْلِهَا فَقَالَ: هَلْ عَلَيَّ فِي ذَلِكَ شَيْءٌ يَا رَسُولَ اللَّهِ؟ قَالَ: لَا يَنْتَظِحُ فِيهَا
عَنْزَانٍ، فَإِنْ أُولَ مَا سَمِعْتَ هَذِهِ الْكَلِمَةَ مِنَ النَّبِيِّ ﷺ. قَالَ عُمَيْرُ:

فَالْتَفَتَ النَّبِيُّ ﷺ إِلَى مَنْ حَوْلَهُ فَقَالَ: إِذَا أَحْبَبْتُمْ أَنْ تَنْظُرُوا إِلَى رَجُلٍ نَصَرَ
اللَّهَ وَرَسُولَهُ بِالْغَيْبِ، فَانظُرُوا إِلَى عُمَيْرِ بْنِ عَدِيٍّ. فَقَالَ عُمَرُ بْنُ الْخَطَّابِ

¹¹² He is Abū ‘Abdullāh Muḥammad ibn ‘Umar al-Wāqidī, al-Madanī. He was born in 130 *Hijrī*, and was one of the early historians and biographers of the Prophet ﷺ, becoming famous due to his books *al-Maghāzī* and *Futūḥ ash-Shām* (translated into English entitled *The Islamic Conquests of Syria*). He learnt from scholars such as Mālik, ath-Thawrī and Ma’mar. He died in the 207 *Hijrī*.

رَضِيَ اللَّهُ عَنْهُ: أَنْظَرُوا إِلَى هَذَا الْأَعْمَى الَّذِي تَشَدَّدَ فِي طَاعَةِ اللَّهِ. فَقَالَ:
لَا تَقُلْ الْأَعْمَى، وَلَكِنَّهُ الْبَصِيرُ!

فَلَمَّا رَجَعَ عُمَيْرٌ مِنْ عِنْدِ رَسُولِ اللَّهِ ﷺ وَجَدَ بَيْنَهَا فِي جَمَاعَةٍ يَدْفِنُونَهَا،
فَأَقْبَلُوا إِلَيْهِ حِينَ رَأَوْهُ مُقْبِلًا مِنَ الْمَدِينَةِ، فَقَالُوا: يَا عُمَيْرُ، أَنْتَ قَتَلْتَهَا؟ فَقَالَ:
نَعَمْ، فَكِيدُونِي جَمِيعًا ثُمَّ لَا تَنْظُرُونَ، فَوَ الَّذِي نَفْسِي بِيَدِهِ، لَوْ قُتِلْتُمْ
بِأَجْمَعِكُمْ مَا قَالَتْ لَضَرْبَتُكُمْ بِسَيْفِي هَذَا حَتَّى أَمُوتَ أَوْ أَقْتُلَكُمْ. فَيَوْمَئِذٍ
ظَهَرَ الْإِسْلَامُ فِي بَنِي خَطْمَةَ، وَكَانَ مِنْهُمْ رِجَالٌ يَسْتَخْفُونَ بِالْإِسْلَامِ خَوْفًا
مِنْ قَوْمِهِمْ

‘Abdullāh ibn Hārith narrated from his father that ‘Aṣmā’ bint Marwān from Banī Umayyah ibn Zayd, the wife of Yazīd ibn Zayd ibn Ḥiṣn al-Khaṭmī, used to speak against the Prophet ﷺ, condemn Islām, and incite people against the Prophet ﷺ (with her poetry)... ‘Umayr ibn ‘Adī ibn Kharashah ibn Umayyah al-Khaṭmī said, when he heard her poetry inciting (people against the Prophet ﷺ), “O Allāh, You have from me a vow, that if (You cause) the Prophet ﷺ to return (safely from Badr) to al-Madīnah, I will certainly kill her.”

When the Prophet ﷺ returned from Badr, ‘Umayr, in the depths of the night, entered her house. Her children surrounded her, and feeling with his hands, found one on her chest breastfeeding and removed it. He proceeded to place his sword upon her chest, and plunged it into her until it protruded through her back. He then left and proceeded until he reached al-Madīnah and prayed the *Fajr* prayer with the Prophet ﷺ.

After the Prophet ﷺ had completed the prayer he turned to ‘Umayr and said, “Did you kill the daughter of Marwān (i.e. ‘Aṣmā’)?” He replied, fearing that he may have (presumptuously) preceded the Messenger of Allāh ﷺ, “Yes O Messenger of Allāh, may my father be sacrificed for you! Is there any sin upon me for killing her?” The Prophet ﷺ said, “No two rams will butt heads over this.” This was

the first occasion I heard this statement from the Prophet ﷺ. Umayr said, “The Prophet ﷺ then turned to those around him and said, *‘If you wish to see a man who gave victory to Allāh and His Messenger in the unseen, then look at ‘Umayr ibn ‘Adī.’*” ‘Umar ibn Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ then said, “Look at this blind man who sacrificed in the obedience of Allāh!” The Prophet ﷺ then said, *“Do not say he is blind, rather he sees clearly!”*

When ‘Umayr returned from the Messenger of Allāh ﷺ, he found at her house a group (of her family) burying her, who met him seeing that he had come back from al-Madīnah and said, “O ‘Umayr, was it you that killed her?” He replied, “Yes. So all of you plot against me and give me no respite. For by the One in Whose Hand is my soul, if all of you were to say as she said, I would indeed strike you all with this sword of mine until either I am killed, or I kill all of you!”

Al-Wāqidī رَضِيَ اللَّهُ عَنْهُ concluded the incident commenting, “On that day, Islām triumphed throughout (the tribe of) Banī Khaṭmah, whereas before that, there were men who had to conceal their Islām out of fear of their fellow tribesmen (who were hostile to Islām).”¹¹³

Rather than criticising him, the Prophet ﷺ praised him for using his initiative, saying when ‘Umar رَضِيَ اللَّهُ عَنْهُ referred to him as blind:

لَا تُقُلْ الْأَعْمَى، وَلَكِنَّهُ الْبَصِيرُ!

“Do not say he is blind, rather he sees clearly!”

Meaning, that even though he was not able to see with his eyes, he was a man of great insight and understanding of the religion, and was able to see with his heart what many others did not with their eyes.

Ibn Taymiyyah رَضِيَ اللَّهُ عَنْهُ recorded in *aṣ-Ṣārim al-Maslūl* (pgs.204&205):

¹¹³ The event is also recorded by ibn Taymiyyah in *aṣ-Ṣārim al-Maslūl* (p.72)

وذكر ابن المبارك: أخبرني حرملة بن عثمان حدثني كعب بن علقمة أن غرفة ابن الحارث الكندي وكانت له صحبة من النبي ﷺ سمع نصرانيا شتم النبي ﷺ فضربه فشق أنفه فرفع ذلك إلى عمرو بن العاص فقال له: "إنا قد أعطيناهم العهد" فقال له غرفة: "معاذ الله أن نعطيهم العهد على أن يظهروا شتم النبي ﷺ وإنما أعطيناهم العهد على أن نخلي بينهم وبين كنائسهم يعملون فيها ما بدا لهم وأن لا نحملهم على ما لا يطيقون وإن أرادهم عدو قاتلنا دونهم وعلى أن نخلي بينهم وبين أحكامهم إلا أن يأتونا راضين بأحكامنا فنحكم فيهم بحكم الله وحكم رسوله ﷺ وإن غابوا عنا لم نتعرض لهم" فقال عمرو: "صدقت".

“Ibn al-Mubārak رحمه الله reported from Ghurfah ibn al-Ḥārith al-Kindī رحمه الله who was a Companion of the Prophet ﷺ, that he heard a Christian cursing the Prophet ﷺ so he hit him, breaking his nose. He (i.e. the Christian) raised the incident to (the governor) ‘Amr ibn al-‘Āṣ رحمه الله, so he (i.e. ‘Amr) said to him, ‘We have given him a covenant.’ Upon this Ghurfah replied, ‘Allāh’s Refuge is sought from giving a covenant so they can make apparent their cursing of the Prophet ﷺ! We only grant them a covenant upon the condition that they keep between them and their churches that which they do therein. That we do not enforce upon them more than they can bear, we defend them from their enemies. That they judge between themselves with their laws (i.e. the laws of their religion) except if they come to us willingly. In that case, we will judge regarding them according to Allāh’s Judgement and the judgement of His Messenger ﷺ, and if they keep away from us we will not interfere with them.’ Upon this, ‘Amr said, ‘You have told the truth.’”¹¹⁴ Implying the existence of a covenant did not prevent the man from being physically attacked when he spoke ill of the Messenger ﷺ.

¹¹⁴ Mukhtaṣar aṣ-Ṣārim al-Maslūl (p.81)

Another incident was recorded by an-Nasā'ī رحمه الله in his *Sunan: The Book of the Prohibition of Bloodshed* (4067) regarding the incident that took place during the Conquest of Makkah. In it, 'Abdullāh ibn Sa'd ibn Abī Sarḥ رحمه الله approached the Prophet ﷺ to pledge his allegiance despite being from those exempted from the general pardon, and about whom the Prophet ﷺ said prior to the Muslims entry of Makkah:

اَقْتُلُوهُمْ، وَإِنْ وَجَدْتُمُوهُمْ مُتَعَلِّقِينَ بِأَسْتَارِ الْكَعْبَةِ، عِكْرِمَةُ بْنُ أَبِي جَهْلٍ وَعَبْدُ اللَّهِ بْنُ خَطْلٍ وَمَقِيسُ بْنُ صُبَابَةَ وَعَبْدُ اللَّهِ بْنُ سَعْدِ بْنِ أَبِي السَّرْحِ

“Kill them even if you find them clinging to the covering of the Ka'bah; 'Ikrimah ibn Abī Jahl, 'Abdullāh ibn Khaṭal, Muqīs ibn Ṣubābah, and 'Abdullāh ibn Sa'd ibn Abī Sarḥ.”

'Abdullāh ibn Sa'd ibn Abī Sarḥ رحمه الله was, according to scholars such as ibn Hajar and Ābādī رحمه الله، someone who embraced Islām and used to record the revelation (i.e. the Qur'ān). However, he returned to Makkah, reverted to disbelief, and then would speak against the Prophet ﷺ, fabricating lies regarding him and Islām.¹¹⁵ Thus, on the day of the Conquest of Makkah the Prophet ﷺ issued a general pardon to the people of Makkah, with the exception of ten individuals, whose exceptional enmity towards the Muslims was sufficient to include them on a 'kill on sight' list. The majority of those included on this list were specified due to their slandering of the Prophet ﷺ.

An-Nasā'ī رحمه الله records later on in the same narration (4067):

وَأَمَّا عَبْدُ اللَّهِ بْنُ سَعْدِ بْنِ أَبِي السَّرْحِ، فَإِنَّهُ اخْتَبَأَ عِنْدَ عُثْمَانَ بْنِ عَفَّانَ، فَلَمَّا دَعَا رَسُولُ اللَّهِ ﷺ النَّاسَ إِلَى الْبَيْعَةِ، جَاءَ بِهِ حَتَّى أَوْفَقَهُ عَلَى النَّبِيِّ ﷺ،

¹¹⁵ Refer to 'Awn al-Ma'būd: Kitāb al-Jihād: Bāb Qatl al-Asīr as the author comments on Ḥadīth (2683). This is according to a Ḥadīth recorded in *Sunan an-Nasā'ī: The Book of the Prohibition of Bloodshed* (4069) and *Sunan Abī Dāwūd: The Book of Prescribed Punishments* (4358)

قَالَ: يَا رَسُولَ اللَّهِ، بَايَعَ عَبْدَ اللَّهِ، قَالَ: فَرَفَعَ رَأْسَهُ، فَظَرَ إِلَيْهِ، ثَلَاثًا كُلَّ ذَلِكَ يَأْتِي، فَبَايَعَهُ بَعْدَ ثَلَاثٍ، ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقَالَ: «أَمَّا كَانَ فِيكُمْ رَجُلٌ رَشِيدٌ يَقُومُ إِلَى هَذَا حَيْثُ رَأَيْتُ كَفَفْتُ يَدَيَّ عَنْ بَيْعَتِهِ فَيَقْتُلُهُ» فَقَالُوا: وَمَا يُدْرِينَا يَا رَسُولَ اللَّهِ مَا فِي نَفْسِكَ، هَلَّا أَوْمَأْتَ إِلَيْنَا بِعَيْنِكَ؟ قَالَ: «إِنَّهُ لَا يَنْبَغِي لِنَبِيِّ أَنْ يَكُونَ لَهُ خَائِنَةٌ أَعْيُنٍ»

“‘Abdullāh ibn Sa’d ibn Abī Sarḥ hid in the house of ‘Uthman ibn ‘Affān, and when the Messenger of Allāh ﷺ called the people to give their oath of allegiance, he brought him, making him stand before the Prophet ﷺ. He (‘Uthmān) said, ‘O Messenger of Allāh, accept the allegiance of ‘Abdullāh. He raised his head and looked at him three times, refusing his allegiance each time. Then, he accepted his allegiance after three times. Thereafter he turned to his Companions and said, ‘*Wasn’t there an intelligent man amongst you, who would arise when he saw me refusing to accept his pledge and kill him?*’ They replied, ‘O Messenger of Allāh, we did not know what was in your heart. Why did you not indicate to us with your eyes?’ He said, ‘*It is not befitting that a Prophet have deceitful eyes.*’”¹¹⁶

Relevant to the discussion at hand are the words of Messenger of Allāh’s ﷺ, “*Wasn’t there an intelligent man amongst you, who would arise when he saw me refusing to accept his pledge and kill him?*” This implied that ibn Abī Sarḥ رَضِيَ اللَّهُ عَنْهُ could have been killed on sight, without encouraging him to repent or seeking permission from the leader ﷺ. He ﷺ was also enquiring as to why none of his Companions رَضِيَ اللَّهُ عَنْهُمْ had showed initiative and killed him before he embraced Islām. Especially since they witnessed the Prophet ﷺ repeatedly refusing to accept his pledge of allegiance, coupled with

¹¹⁶ A similar narration is also recorded in *Sunan Abī Dawūd* (2683&4359)

the fact that they knew he had been guilty of speaking-ill of Islām and the Messenger of Allāh ﷺ. ¹¹⁷

“The blood of ibn Abī Sarḥ was permissible after he came back to Islām repentant. The fact that the Prophet ﷺ forgave him is evidence that he had the option to have him killed or to pardon him. It is also evidence that he could kill whoever insulted him even if they repented and returned to Islām,” as stated by ibn Taymiyyah رَحِمَهُ اللَّهُ in *aṣ-Ṣārim al-Maslūl* (p.118). ¹¹⁸ Based on this, and other evidences, ibn Taymiyyah concluded, “That the violation of the honour (of the Prophet ﷺ) was greater to them (i.e. the early believers, and scholars in particular) than the spilling of the blood of all of the believers and *Mu’āhidīn*.” ¹¹⁹

Accordingly, the Prophet ﷺ, in this incident and others, encouraged his Companions رَضِيَ اللَّهُ عَنْهُمْ and followers to exercise initiative in such cases, and eradicate people guilty of this heinous offence, especially if they are disbelievers lacking a valid covenant.

Such was the Companions’ رَضِيَ اللَّهُ عَنْهُمْ understanding of the issue - an understanding none of the scholars of the *Salaf* رَحِمَهُمُ اللَّهُ opposed. Accordingly, those claiming to be followers of the Qur’ān and *Sunnah* according to the understanding of the Companions رَضِيَ اللَّهُ عَنْهُمْ and *Salaf* have, in this, a clear and shining example to emulate.

﴿وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ
الْمُؤْمِنِينَ نُؤَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا ۝﴾

And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the

¹¹⁷ In ‘*Awn al-Ma’būd* Ābādī comments on *Ḥadīth* (2683) mentioning that it is not known whether this referred to ibn Abī Sarḥ requesting that the Prophet ﷺ accept his pledge multiple times during the same occasion, or that he returned over a period of days and was rejected every day save the last.

¹¹⁸ *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.61) and *The Unsheathed Sword* (p.50)

¹¹⁹ *Aṣ-Ṣārim al-Maslūl* (p.109). *Mu’āhidīn* is the plural of *Mu’āhid*

believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination.

...

As for **Muslims residing in Dār al-Kufr**, without an *Imām* to guide and regulate their affairs, then what is their predicament?

In answering this question, it must first be established that the lack of an *Imām*, legitimate leader or Islamic state do not, in-and-of themselves, nullify any of the obligations the *Sharī’ah* imposes upon the believer. Those asserting otherwise are, according to the principles of Islām, required to provide evidence to substantiate such claims.¹²⁰

In relation to this issue *Imām* ash-Shawkānī رَحِمَهُ اللهُ¹²¹ asserts in *as-Sayl al-Jarrār: Kitāb al-Ḥudūd* (p.838) regarding the statement, “It is obligatory upon the *Imām* and his governors to establish the prescribed punishments (in the *Sharī’ah*) outside of the Mosques, if it (i.e. a crime) occurs in a time and place wherein he has authority.” “This statement is founded upon the understanding that the *Ḥudūd*

¹²⁰ From the general principles (*Uṣūl*) of *Fiqh* is the maxim, ‘the command necessitates obligation’ (الأمر يفيد الوجوب). Which means that if an act is commanded by Allāh ﷻ, or His Messenger ﷺ, the default ruling is that it is *Wājib* (i.e. obligatory). Thus, anyone wishing to claim otherwise is required to bring evidence substantiating his or her claim. Another maxim relating to the issue at hand is, ‘consideration is given to the generality of the wording, and not the specifics of the reason’ (العبرة بعموم اللفظ لا بخصوص السبب). Meaning, the default is that whatever falls under the implication of a verse or *Ḥadīth* is encompassed by its ruling, regardless of the reason for the revelation of the verse or *Ḥadīth*. Thus, for one to claim that a ruling only applies to a specific time, place, or person(s), evidence is required.

Refer to *al-Uṣūl min ‘Ilm al-Uṣūl* (pp.15-17 and pp.34-37) and its English translation *The Foundations of the Knowledge of Usul* (pp.28-34 and pp.44-50) for more details regarding these and other principles of *Fiqh*.

¹²¹ He is *al-‘Allāmah, al-Qāḍī, al-Mujtahid*, Muḥammad ibn ‘Abdullāh ash-Shawkānī, aṣ-Ṣan’ānī. He was born in the year 1173 *Hijrī*. He was one of the greatest scholars of Yemen in his time, and authored a number of works, perhaps the most renowned of them being *Nayl al-Awṭār* and his *Tafsīr, Faṭḥ al-Qadīr* that summarised and combined numerous benefits from a number of earlier works. He died in the year 1250 *Hijrī*.

(i.e. the prescribed punishments) are for the leaders, and that no one else can implement them upon those who deserve them... However, this has no (textual) basis whatsoever, instead it has only been reported as the opinion of some of the *Salaf*. Although, as we have already mentioned, there is no doubt that the *Imām* and his governors are the most deserving of implementing them than other (Muslims). To suggest that no one except the leaders have the authority to implement them, or they are to be dropped if they occur in a time wherein there is no *Imām* or in a place in which he has no authority is falsehood! To do so would mean dropping the obligation of implementing the *Hudūd*, which Allāh has mentioned in His Book. (However,) Islām is present, the Book and the *Sunnah* are present, and the people of knowledge and righteousness are present. So how can the *Hudūd* of the *Sharī'ah* be dropped simply due to the absence of a single Muslim (i.e. the *Imām*)?"

Rather, the re-establishment of Islamic state and *Imām* will not occur except through the believers waging *Jihād* until Allāh ﷻ grants them victory over the disbelievers and establishes their authority over His creation. As Shaykh ‘Abd ar-Raḥmān ibn Ḥasan رحمه الله¹²² stated, “The *Imām* (and state) is not possible except through *Jihād*.”¹²³ Therefore, if the believers do not strive to their utmost, in all times and places, to establish as much as they are able of Allāh’s religion, they should not expect to see or be a part of the return of the caliphate or *Dār al-Islām*.¹²⁴ Rather, they should hold themselves accountable for the

¹²² He is Shaykh ‘Abd ar-Raḥmān ibn Ḥasan Āl ash-Shaykh. He was born Najd in the year 1779 (CE), and was the grandson of Shaykh Muḥammad ibn ‘Abd al-Wahhāb, whom he studied under. He was a specialist in the field of ‘*Aqīdah*’ (i.e. Islamic belief), and wrote numerous works, the most renowned of which being a commentary on *Kitāb at-Tawḥīd* entitled *Fath al-Majīd*. Many of his *Fatāwā* (i.e. legal verdicts) and writings can be found in the compilation *Durar as-Saniyyah*. He died in the year 1869 (CE).

¹²³ *Durar as-Saniyyah: Kitāb al-Jihād* (8/168)

¹²⁴ The mistaken premise some Muslims may believe which contends that the lands of the Muslims are for the Muslims, and are thus ‘fair game’ for working towards the establishment of the Islamic state and/or caliphate. However, the (current) lands of the disbelievers are theirs, and are thus off limits, has no basis in Islām. If that were the case, the caliphate would have never spread beyond the borders of al-

ensuing evil consequences, and prepare themselves to be exchanged by Allāh ﷻ for those willing to make the necessary sacrifices.¹²⁵

Likewise, the obligation to fulfil Allāh’s Commands is not dependent upon the presence or absence of an Islamic state, legitimate Muslim leader, or his permission. Rather, once Allāh has commanded or forbade an act, there can be no obedience to anyone else if this necessitates contradicting the *Sharī’ah* as, “obedience (to other that

Madīnah. Regarding the topic, Shaykh ‘Abd ar-Raḥmān as-Sa’dī says in his *Tafsīr* (of 9:5): “Put pressure on them (i.e. the disbelievers) and do not let them expand their territory in the land of Allāh that He has ordained as a place of worship for His slaves, for these people are not welcome to dwell there and they do not deserve even a hand span of that land, for it is the land of Allāh and they are His enemies who are opposing Him and His Messenger ﷺ; they are in a state of war, as they want to rid the earth of His religion, but Allāh insists on perfecting His light, **even though the disbelievers hate it.**”

This does not mean however, that the believers should not prioritise particular regions and enemies over others. Or, that this understanding necessitates Muslims taking to the streets of Europe and North America demanding at the top of their lungs that their governments immediately implement the *Sharī’ah*, and other such practices having questionable benefit, and are perhaps somewhat detached from the *Ummah*’s current reality - and Allāh knows best. Rather, Allāh has decreed that results are preceded by diligent and serious work, and not mere lip service.

¹²⁵ Indeed, Allāh warns the believers in *Sūrah at-Tawbah* (9:39), saying:

﴿إِلَّا تَتَفَرُّوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا وَيَسْتَبْدِلْ قَوْمًا غَيْرَكُمْ وَلَا تَضُرُّهُ شَيْئًا وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ﴾

If you do not go forth, He will punish you with a painful punishment and will replace you with another people, and you will not harm Him at all. And Allāh is over all things competent.

Allāh) is only in that which is Ma'rūf.”¹²⁶ Regarding this, Imām ibn Ḥazm رحمه الله¹²⁷ says, after quoting the verse (9:123):

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ وَلِيَجِدُوا فِيكُمْ غَاظَةً وَعَلِمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾^(١٢٣)

O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness. And know that Allāh is with the righteous.

“It is not specified (only) upon the command of the Imām, or according to other than his command. Therefore, if the Imām was to prohibit fighting the *Ahl al-Ḥarb* (i.e. the disbelievers with no covenant) he should be disobeyed, as he has commanded disobedience (to Allāh). In such a case, there is no hearing and obedience due to him. The Exalted has said (4:84):

﴿فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسُكَ﴾

So fight, in the cause of Allāh; you are not held responsible except for yourself.

Thus, this address is directed at every Muslim, (with) everyone ordered to wage *Jihād* even if he does not have anyone with him,”¹²⁸ and there is no doubt that punishing those guilty of blasphemy is

¹²⁶ Refer to *Ṣaḥīḥ al-Bukhārī* (4340,7145&7257), *Ṣaḥīḥ Muslim: The Book of Governance* (1840), *Sunan Abī Dāwūd: The Book of Jihād* (2625), *Sunan an-Nasā'ī: The Book of the Pledge of Allegiance* (4205), and *Musnad Aḥmad* (622,724,1018,1065&1095), wherein the Prophet ﷺ said:

إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

“Obedience (to other than Allāh) is only in that which is Ma'rūf.”

¹²⁷ He is *al-Ḥāfidh* Abū Muḥammad ‘Alī ibn Aḥmad ibn Sa’īd ibn Ḥazm al-Andalusī. He was born in in Qurtubah (i.e. Cordoba) during Ramaḍān in the year 384 *Hijrī*. He was from the most prolific authors from amongst the scholars after Imām at-Ṭabarī. He died in the year 456 *Hijrī*.

¹²⁸ *Al-Muḥallā* (5/421)

from the greatest forms of *Jihād*. Indeed, the Messenger of Allāh ﷺ told the believers that the principle aim of *Jihād* is to sanctify Allāh ﷻ and His religion. He ﷺ said, in a *Ḥadīth* recorded in both *Ṣaḥīḥ al-Bukhārī* (2810) and *Ṣaḥīḥ Muslim* (1904), in response to a man who asked him, “A man fights for *Ghanīmah*, another fights for fame, while another fights to show off - which one of them fights in Allāh’s cause?”:

مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللَّهِ

“He who fights in order that the word of Allāh is exalted fights in the way of Allāh.”¹²⁹

Shaykh al-Islām ibn Taymiyyah رَحِمَهُ اللَّهُ says in *aṣ-Ṣārim al-Maslūl* (p.291), “As established in the religion, it is obligatory to overcome whoever (is guilty of blasphemy). Striving to shed such a person’s blood is from the best of deeds, the most obligatory, and is the most worthy of being undertaken swiftly seeking thereby Allāh’s Pleasure. It is (additionally) the most perfect form of the *Jihād* that Allāh mandated upon His slaves and obliged them with...”

In addition, in accordance with the principles of *Uṣūl al-Fiqh*, the *Shurūt*, *Asbāb*, and *Mawānī*’ (i.e. conditions, causes, and preventative factors) of actions all fall within the category of *Aḥkām al-Waḍi’*. This means that they are all set by Allāh ﷻ alone, and are not subject to the reasoning of men. Thus, anyone who claims that something falls within this category of *Aḥkām* has to provide decisive evidence from the Qur’ān, *Sunnah* or *Ijmā’* to substantiate such a claim, otherwise it is summarily rejected. Therefore, anyone wishing to claim the presence and permission of an *Imām* are from the *Shurūt* (i.e. conditions for the validity or obligation) of waging *Jihād* and exterminating those disbelievers guilty of blasphemy, must produce

¹²⁹ Similar narrations are also recorded in *Jāmi’ at-Tirmidhī: The Book on Virtues of Jihād* (1646), *Sunan an-Nasā’ī: The Book of Jihād* (3136), and *Sunan ibn Mājah: The Book of Jihād* (2783)

valid evidence for such a claim, or repent and publically recant such misleading statements.¹³⁰

Moreover, as is well-known amongst scholars, the default status of the free adult male disbeliever is that he is a *Ḥarbī* - meaning that his blood, wealth, and honour are all permissible targets for the Muslims. The only exceptions to this rule are when he becomes a *Mu'āhid* due to being party to a valid treaty with the Muslims. Alternatively, he has lost the capacity to fight due to factors such as old age or mental illness, or he has secluded himself from society for the purpose of worship. *Imām* ash-Shawkānī رحمه الله said regarding this issue in *as-Sayl al-Jarrār: Kitāb as-Siyar* (p.962), “Allāh the Exalted has ordered us to fight the people of *Shirk* and has permitted for us their blood, wealth, and women (i.e. to be taken as captives)... whether we come across them in their, or in other than their lands.” *Shaykh* ibn al-‘Uthaymīn رحمه الله said similarly in *Fatāwā Nūr ‘alā’d-Darb* (8/400), “As for the disbelievers who lack a treaty, covenant of security, or a contract of *Dhimma* between us and them, they are *Ḥarbiyyīn* and are not inviolable (i.e. safeguarded). Consequently, their wealth, blood, offspring, and women are all *Ḥalāl* for the Muslims (to plunder), and due to this (i.e. their knowledge of this reality) they

¹³⁰ The statement of a scholar is **not** evidence in-and-of itself, rather it merely highlights and directs the layman towards the actual evidence contained within the Book, *Sunnah*, or *Ijmā’*. Therefore, the believer must not be fooled by those who seek to present the words of contemporary ‘scholars’, who have sold their religion for a cheap price, as credible evidence. They likewise may attempt to present as evidence supporting their claims, the words of credible and respected classical scholars, quoting them out of context in an attempt to deceive the naïve and unaware.

A favourite trick of some of those claiming *Salafiyyah* (i.e. to be following the methodology of the Pious Predecessors) is to mix, and apply the rulings (i.e. conditions) concerning Offensive *Jihād* to Defensive *Jihād*. In doing so they lie to the Muslims, telling them that to defend themselves, their honour, their land, and their religion require things such as the absence of covenants and treaties with the invading disbelievers, and the permission of the parents (even if they are disbelievers!) and/or the non-existent Muslim ruler. They have also attempted a similar fraud regarding the topic of this work.

have declared war against us, and we have (similarly) declared war against them.”

Accordingly, the disbelievers are all legitimate targets notwithstanding those possessing a valid covenant, their women, children and elderly, granted they do not fight the Muslims. Their blasphemy only serves to make *Jihād* against them *Wājib*, and their being attacked for this crime does not need to be viewed within the context of implementing the *Hudūd*. Rather, as was the understanding and example of the Companions رضي الله عنهم, whoever is capable should undertake whatever actions are necessary to dispatch these evil individuals to the Eternal Fire. If they were party to a covenant before or were from those not permissible to intentionally target (such as women and children¹³¹), then with their actions, they have nullified it. They are likewise not eligible to take part in any subsequent covenants. This is due to Allāh’s words in *Sūrah at-Tawbah* (9:12):

﴿فَقَاتِلُوا أَيمَّةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ﴾

fight the leaders of disbelief, for indeed, there are no oaths for them

Nevertheless, an important principle should be borne in mind: According the principles (*Qawā'id* and *Uṣūl*) of *Fiqh*, no ruling is established, except that its *Shurūṭ* (i.e. conditions) are all present, and its *Mawāni'* (i.e. preventative factors) have all been discounted.

For the disbeliever accused of blasphemy, the required *Shurūṭ* encompass three categories, and are:

• ***Shurūṭ* related to the actor**

- 1) Maturity (i.e. the actor has reached the age of puberty).
- 2) Being of sound mind.

¹³¹ For the rulings regarding those the *Sharī'ah* generally exempts from being intentionally targeted, and its exceptions, refer to chapters 14-16 in *Fiqh of Jihād* (pp.216-256)

- 3) Intending to say or act (i.e. they have not done so by mistake, such as one who, after placing to Qur'ān on the ground to read, gets up and steps on it by mistake).
- 4) He or she is speaking or acting out of their own free will (i.e. they are not compelled)
- ***Shurūṭ* related to the act**
 - 5) Their speech or act is indeed an act of blasphemy.
 - 6) There is no possibility in understanding anything other than blasphemy.
- ***Shurūṭ* related to establishing guilt**
 - 7) Their guilt has been established beyond doubt; either by way of admission, or by way of witness testimony.

While the *Mawāni'* that must be discounted are the absence and opposite of the *Shurūṭ*. They likewise encompass three categories, and are:

- ***Mawāni'* related to the actor**
 - 1) Childhood.
 - 2) Absence of sound mind.
 - 3) Lack of intent (such as that which arises as a result of a mistake.
 - 4) Compulsion (resulting in the absence of free will)
- ***Mawāni'* related to the act**
 - 5) Their speech or act is not an act of blasphemy.
 - 6) There is the possibility to understand a meaning other than blasphemy (such as what the disbeliever genuinely believes as part of his or her recognised religion with no malicious intent).
- ***Mawāni'* related to establishing guilt**
 - 7) Their guilt has not been established beyond doubt; neither by way of admission, nor by way of witness testimony.

Once all of the *Shurūṭ* (i.e. conditions) are present and all of the *Mawāni'* (i.e. preventative factors) discounted, the male *Ḥarbī* (i.e. disbeliever without a covenant) goes from being one permissible to kill, to one obligatory to kill. While if the disbeliever was a *Mu'āhid* (i.e. one possessing a covenant) or woman, he or she goes from being

amongst those prohibited to intentionally kill, to one obligatory to kill. The child, the compelled and the insane are not considered as responsible for their actions, thus they are not to be subject to punishment.

Regarding the above, it would be nice to say, which should be the default in such situations, that trustworthy scholars would undertake the above, and then they would rule accordingly. This knowledge, along with their directions, would then be spread amongst the believers so that every responsible person would understand their responsibility, and thus could act accordingly. Regrettably, the *Ummah* is severely lacking access to such scholars, especially in the west. Accordingly, essays such as this are required to make up for the shortfall in people of knowledge publically and truthfully speaking up. This is despite Allāh ﷻ outlining the covenant He has with the scholars and their responsibility with His words:

﴿وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلَا تَكْتُمُونَهُ﴾

And [mention], when Allāh took a covenant from those who were given the Scripture, [saying], “You must make it clear [i.e., explain it] to the people and not conceal it.”¹³²

In such difficult times, and regarding such ‘controversial’ affairs, the sincere believer is then required to take whatever he or she has knowledge of, and understands from the religion, and act accordingly whilst seeking ones reward with Allāh whilst imploring Him for guidance. As Allāh ﷻ commanded His noble Messenger ﷺ:

﴿فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسَكَ وَحَرِّضِ الْمُؤْمِنِينَ﴾

So fight in the cause of Allāh; you are not held responsible except for yourself. And encourage the believers [to join you].¹³³

¹³² *Sūrah Āl ‘Imrān* (3):187

¹³³ *Sūrah an-Nisā’* (4):84

If however, the believer is able to find a **truthful** and **brave** scholar willing to speak the truth about such matters in clear and explicit terms, not fearing the blame of the blamers or personal injury, then this naturally take precedence over the Muslim having to act as ‘judge, jury and executioner.’ However, like Allāh ﷻ commands the believers in *Sūrah at-Taghābun* (64:16):

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

So fear Allāh as much as you are able.

...

Furthermore, the believer should not concern him or herself with the manmade laws governing the land in which the blasphemer resides. As such laws only serve to enshrine the rule of disbelief and opposition to Allāh ﷻ. Allāh indeed warns the believers from obeying their laws in opposition to His, saying in *Sūrah Āl ‘Imrān* (3:149):

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن تَطِيعُوا الَّذِينَ كَفَرُوا يَرُدُّوكُمْ عَلَىٰ أَعْقَابِكُمْ فَتَنْقَلِبُوا خَاسِرِينَ﴾
﴿١٤٩﴾

O you who have believed, if you obey those who disbelieve, they will turn you back on your heels, and you will [then] become losers.

Meaning, you will turn back on your heels to disbelief.¹³⁴ Instead, Allāh ﷻ has ordered the believers to kill those who oppose Him wherever they happen to be, as long as they do not enjoy a covenant, saying in *Sūrah al-Baqarah* (2:191):

﴿وَأَقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ﴾

And kill them wherever you overtake them

¹³⁴ Refer to *Tafsīr al-Qurṭubī* (3:149)

He ﷺ later poses the question:

﴿أَتَخْشَوْنَهُمْ﴾

Do you fear them?

﴿قَالَ اللَّهُ أَحَقُّ أَنْ تَخْشَوْهُ إِنْ كُنْتُمْ مُؤْمِنِينَ ﴿١٣﴾ قَتَلُوهُمْ يُعَذِّبَهُمُ اللَّهُ بِأَيْدِيكُمْ وَيُخْزِيهِمْ وَيُنْصِرْكُمْ عَلَيْهِمْ وَيَسْفِ صُدُورَ قَوْمٍ مُؤْمِنِينَ ﴿١٤﴾ وَيُذْهِبَ غَيْظَ قُلُوبِهِمْ﴾

But Allāh has more right that you should fear Him, if you are [truly] believers. Fight them; Allāh will punish them by your hands and will disgrace them and give you victory over them and satisfy the breasts [i.e., desires] of a believing people and remove the fury in their [i.e., the believers'] hearts.¹³⁵

There is then absolutely no basis in Islām for the saying of some misguided individuals; ‘you have to obey the law of the land.’ Especially if the said law is in direct opposition to the Law of Allāh ﷻ, as to hold such a belief is undoubtedly one of the clearest manifestations of *Shirk*.

Rather, as the Companions رَضِيَ اللَّهُ عَنْهُمْ did, the believer in the lands of the disbelievers is required to do his or her utmost to eliminate such despicable individuals, those who share in their crimes, and those who seek to protect them. For, as reported in in *Ṣaḥīḥ Muslim* (1978), the Messenger of Allāh ﷺ informed the believers:

لَعَنَ اللَّهُ مَنْ آوَى مُحَدِّثًا

“Allāh curses whoever shelters one who commits corruption in the land.”

¹³⁵ *Sūrah at-Tawbah* (9):13-15

As *Shaykh al-Islām* ibn Taymiyyah رَحِمَهُ اللَّهُ explains, “The curse refers to being far removed from Allāh’s Mercy, and there are none excluded from the Mercy of Allāh in this world and the next except the disbeliever. Therefore, their blood is not protected. Rather, it is permissible to spill. This is due to them being deprived of a tremendous mercy, and His saying supports this:

﴿مَلْعُونِينَ أَيْنَمَا ثُقِفُوا أُخِذُوا وَقُتِلُوا قَتِيلًا﴾¹³⁶

Accursed wherever they are found, [being] seized and massacred completely.¹³⁶

This is also supported by the fact that the rest of those cursed by Allāh in His Book are either disbelievers or those whose blood is permissible to spill.”¹³⁷ Meaning, those who aid and defend individuals guilty of cursing, belittling, or mocking Allāh ﷻ, His Messenger ﷺ, and Islām take the same ruling as the original perpetrators.

The believer also ought not to be fooled by the all-too-common argument espoused by many claiming Islām today. This argument contends that to act according to the dictates of the *Sharī’ah* (in the lands of the disbelievers) would be ‘bad for the *Da’wah*.’ The origins of such a false claim, no doubt, emanate from *Nifāq* (i.e. hypocrisy in the religion) or a serious inferiority complex on the part of those who suppose themselves to be calling to Islām. Rather, what is bad for the *Da’wah* is when so-called *Du’āt* (i.e. callers to Islām) present a watered-down, passive, and ‘domesticated’ version of Islām compatible with western society and her ‘ideals.’ As this is indeed not what the Prophet ﷺ came with, nor is Allāh pleased with such ‘wisdom’ upon the poisoned tongues of those claiming knowledge of the religion and western psychology. The believers do not need to lie, conceal the true message of *Tawhīd*, or ‘trick’ the disbelievers into

¹³⁶ *Sūrah al-Aḥzāb* (33):61

¹³⁷ *Aṣ-Ṣārim al-Maslūl* (p.41), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p. 44) and *The Unsheathed Sword* (pgs.35&36)

embracing such a ‘secular’ version of Islām. To the contrary, they need to present Islām exactly as it was revealed upon the tongue of the noble Messenger ﷺ, without any alterations or embellishments. If they are unable to do this, they ought to hold their tongues and instead support those who are, for as Allāh ﷻ says:

﴿لَيْسَ عَلَيْكَ هُدَاهُمْ وَلَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ﴾

Not upon you is [responsibility for] their guidance, but Allāh guides whom He wills. ¹³⁸

He ﷻ also reiterates this fact, explaining to His Beloved ﷺ:

﴿إِنَّكَ لَا تَهْدِي مَنْ أَحَبَبْتَ وَلَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ﴾ ^{٥٦} وَقَالُوا إِنْ تَتَّبِعِ الْهُدَى مَعَكَ تُخْطِفُ مِنْ أََرْضِنَا أَوْ لَوْ نُمَكِّنْ لَهُمْ حَرَمًا آمِنًا يُجَبَىٰ إِلَيْهِ ثَمَرَاتُ كُلِّ شَيْءٍ رِزْقًا مِنْ لَدُنَّا وَلَكِنَّ أَكْثَرَهُمْ لَا يَعْلَمُونَ ﴿٥٧﴾

Indeed, you do not guide whom you like, but Allāh guides whom He wills. And He is most knowing of the [rightly] guided. And they say, “If we were to follow the guidance with you, we would be swept from our land.” Have We not established for them a safe sanctuary to which are brought the fruits of all things as provision from Us? But most of them do not know. ¹³⁹

Thus, the Prophet ﷺ, alone and in the midst of the disbelieving enemies of Islām from Quraysh, turned to them unafraid after he had finished praying at the Ka’bah, addressing them as Allāh ﷻ had commanded him:

تَسْمَعُونَ يَا مَعْشَرَ قُرَيْشٍ، أَمَّا وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ، لَقَدْ جِئْتُكُمْ بِالذَّبْحِ

¹³⁸ Sūrah al-Baqarah (2):272

¹³⁹ Sūrah al-Qaṣaṣ (28):56&57

“Are you listening Oh people of Quraysh? By the One in Whose Hand is my soul, I have indeed come to slaughter you!”¹⁴⁰

Even from a logical perspective, one is compelled to question the likelihood of those embracing, and being nurtured upon such an apologetic, passive, non-confrontational, anaemic, and deviant version of Islām ever being ready to make the sacrifices required to re-establish Islām, as it was established during the lifetime of the Prophet ﷺ and his trusted Companions رَضِيَ اللَّهُ عَنْهُمْ.¹⁴¹

To appreciate this point, the believer needs only ponder over the Muslims current reality, and the exchange that took place between the Messenger of Allāh ﷺ and the chiefs of Banī Shaybān. A noble tribe of fierce warriors who preferred their (war) horses to their children, and their weapons to pollen, and according to Abū Bakr aṣ-Ṣiddīq رَضِيَ اللَّهُ عَنْهُ, were unrivalled in honour and power amongst the Arabs. Nevertheless, the Prophet ﷺ would ultimately reject their (partial) offer of shelter and protection, despite it coming at a time wherein the Muslims were in desperate need of sanctuary, stating emphatically:

إِنَّهُ لَا يَقُومُ بِدِينِ اللَّهِ إِلَّا مَنْ حَاطَهُ مِنْ جَمِيعِ جَوَانِبِهِ

¹⁴⁰ *Musnad Aḥmad: Musnad ‘Abdullāh ibn ‘Amr رَضِيَ اللَّهُ عَنْهُ* (7036), and al-Qurṭubī records a similar narration in his *Tafsīr* of *Sūrah al-Hijr* (15):58. This Incident was also mentioned by ibn Rajab al-Ḥanbalī in *al-Ḥikam al-Jadīrah* (p.6), its English translation, *I was Sent with the Sword* (p.14), and the English translation of *Sīrat ibn Hishām* (p.47)

¹⁴¹ Obviously, Allāh guides whom He wills and is more than capable of changing in an instant the heart of the most timid and cowardly individual into the bravest and most courageous hero, and vice versa. Nevertheless, as is glaringly evident in the methodology of the Messenger ﷺ, wherein over the years he worked towards building and equipping a generation with all of the required skills and experiences needed to assume the weighty responsibility of administering the affairs of the *Ummah* and conveying the pristine message of Islām after his death. As such, anyone claiming to love Allāh ﷻ, His Messenger ﷺ, and the believers is compelled to emulate his methodology ﷺ, and work towards establishing such a trustworthy, competent and courageous cadre of believers.

“The religion of Allāh will only be established by he who protects it from all sides.”¹⁴²

The words of *Shaykh al-Islām* ibn Taymiyyah are indeed a fitting admonition for those with the slightest jealousy for the religion, or those who seek to place the fruits of their ‘*Da’wah*’ above the sanctity of the religion. He رحمته الله says in *aṣ-Ṣārim al-Maslūl* (p.505), “A single word disparaging the Prophet ﷺ is not tolerated, (even in return for) the conversion of thousands of disbelievers to Islām. As it is explicitly clear from the religion of Allāh, that for one person to be prevented from uttering any type of insult (against him ﷺ) is more beloved to Allāh and His Messenger than multitudes adopting (Islām) whilst he ﷺ is being violated and humiliated.”

Moreover, placing the comfort and luxurious lifestyles of the Muslims residing in the lands of the blasphemers above the importance of safeguarding the religion and the honour of the Messenger ﷺ is certainly a grave mistake, apparent from both religious and logical perspectives. Especially because of those whom, at the expense of their religion, stubbornly refuse to perform *Hijrah* whilst being able due to a worldly sacrifice it may entail - and Allāh ﷻ certainly knows best.

After all, those not happy to be labelled as ‘extremists’, are free to plead their innocence in relation to the ‘crime’ of spilling the blood of the blasphemer. However, this must not entail criticising the act, or the believer who performed it. As to do this, would be close to the act of ‘forbidding the permissible and permitting the impermissible’ - one of the major nullifiers of Islām. Like ibn Yāmīn, who considered

¹⁴² Refer to *al-Bidāyah wa’n-Nihāyah* (2/415&416), *The Life of the Prophet Muḥammad* ﷺ (2/111-114), which was extracted and translated from the former, and *The Noble Life of the Prophet* ﷺ (pp.574-576) for a full account of this incident. It is also noteworthy to know that the same tribe, once intimidated by the Persian superpower residing on their eastern border, were the first ones, after they embraced Islām, to begin attacking the Persian empire during the caliphate of Abū Bakr رضي الله عنه under the leadership of al-Muthannah ibn Ḥārithah ash-Shaybānī رضي الله عنه.

the assassination of Ka'b ibn al-Ashraf to be an impermissible act of treachery.¹⁴³

Finally, returning to the words of Shaykh ibn al-‘Uthaymīn رحمه الله, mentioned earlier in the chapter. That if it is up to any capable Muslim to kill the apostate who fled to the land of the disbelievers after committing a nullifier of Islām. It stands to reason that the disbelieving enemy of Islām with no covenant, who increases in his or her disbelief and evil by brazenly committing blasphemy, takes precedence of having his or her blood spilt by any capable Muslim, over the Muslim that fell into a nullifier of Islām, but does not wage war against Islām - and Allāh knows best.

¹⁴³ Refer to this incident on p.51

WHAT CONSTITUTES BLASPHEMY?

Al-Qādī Iyyād رَحِمَهُ اللهُ said in *ash-Shifā* (p.188), “Know - may Allāh grant you and us success - that anyone who abuses, reviles, disparages or offends the Prophet ﷺ with regards his self, lineage, religion or any of his qualities. Or utters implicit words or gestures slighting him, or likens him to a thing intending to abuse or belittling him, then in such a case he is deemed to be a blasphemer on whom the legal judgment for cursing the Prophet ﷺ is to be enacted. Namely, he is to be killed, without any doubt or hesitancy concerning fulfilling the prescribed penalty.

Likewise, the same applies to any one who curses the Prophet ﷺ, invokes Allāh’s Curse upon him, wishes to inflict harm upon him, ascribes anything irrelevant to his office out of a wish to disparage him, or directs obscene or ridiculing speech towards him. Or, attributes a false statement against him, dishonours him due to the ordeals and afflictions which befell him, or disparages him for having been afflicted with the natural afflictions (such as diseases, forgetfulness ... etc.), which were common among the Prophets (for they were human beings).”¹⁴⁴

Al-Hāfidh as-Subkī رَحِمَهُ اللهُ in *as-Sayf al-Maslūl* (pgs.431&432) and *Shaykh al-Islām* ibn Taymiyyah رَحِمَهُ اللهُ in (*Mukhtaṣar*) *aṣ-Ṣārim al-Maslūl* (p.484) explains similarly that blasphemy is of two types. The **first** is by means of invocation, such as supplicating that (the Prophet ﷺ) be cursed, destroyed, disfigured, eliminated, forgotten, or that Allāh not be pleased with him ﷺ, and so on. as-Subkī stated regarding this type, “All of this is blasphemy, regardless if it originates from the Muslim or disbeliever.” The **second** type takes the form of conveying information, such as calling (the Prophet ﷺ) a

¹⁴⁴ *Ash-Shifa: Healing through defining the rights of Prophet Muhammad ﷺ* (p.710)

repugnant name, relating stories intending to mock or criticize him, openly rejecting and belying him in a way designed to insult him, describing him with offensive characteristics such as treachery and its likes, and so on.¹⁴⁵

In the contemporary setting, blaspheming against Allāh ﷻ and/or His Messenger ﷺ encompasses every statement clearly designed to insult, belittle, or ridicule. Irrespective if such statements contain an element of truth, such as statements surrounding the Prophet's ﷺ marriages to 'Ā'ishah and to his cousin and the ex-wife of his adopted son Zayd, Zaynab bint Jaḥsh رَضِيَ اللَّهُ عَنْهُ. Likewise, is the crime of depicting Allāh ﷻ, or any of His Prophet's ﷺ, such as the 2016 Danish cartoons of the Prophet Muḥammad ﷺ, and those published by the accursed French satirical magazine Charlie Hebdo.

Other acts that fall under the same ruling are the use of the Qur'ān for target practice, deliberately stepping upon it, placing it unclean places, and the disbelievers' burning, ripping, or otherwise desecration the Qur'ān. No distinction should be made whether this is done with the actual (Arabic) Qur'ān, or translations of its meanings, as the intent of the disbelieving criminal is the same, despite their ignorance of Islamic *Fiqh* and its intricacies.¹⁴⁶ Indeed, the Prophet ﷺ informed the believers:

إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ

“Indeed actions are only judged according to their intentions.”¹⁴⁷

¹⁴⁵ Mukhtaṣar aṣ-Ṣārim al-Maslūl (p.108) and refer to as-Safy al-Jaliyy (pgs.202&203) for as-Subkī's statement.

¹⁴⁶ In their definitions of the Qur'ān, scholars stipulate, amongst other things, that is in solely the Arabic language. Thus, the translations (of the meanings) of the Qur'ān do not take the same ruling(s) as the Qur'ān. Nevertheless, they still ought to be dealt with in a respectful fashion due to what they represent, similar to the books of other religions that were originally revealed by Allāh (before their distortion), or those purported to have been, and Allāh knows best.

¹⁴⁷ Ṣaḥīḥ al-Bukhārī (1,54,2529,3898,5070,6689&9593), Ṣaḥīḥ Muslim: The Book of Governance (1907), Sunan Abī Dāwūd: The Book of Divorce (2201), Sunan at-

Another act is the attribution of slanderous lies regarding Allāh ﷻ and His Prophets ﷺ, which are not part of the disbelievers’ religions. For example, the majority of Christians (and some of the Jews) attribute a tremendous calumny against Allāh by claiming He took a partner and bore a son.¹⁴⁸ As such, Allāh ﷻ says about their statement:

﴿وَقَالُوا أَخَذَ الرَّحْمَنُ وَلَدًا ۚ لَقَدْ جِئْتُمْ شَيْئًا إِدًّا ۚ تَكَادُ السَّمَوَاتُ يَتَفَطَّرْنَ مِنْهُ وَتَنْشَقُّ الْأَرْضُ وَتَخِرُّ الْجِبَالُ هَدًّا ۚ أَنْ دَعَوْا لِلرَّحْمَنِ وَلَدًا ۚ﴾

And they say, “The Most Merciful has taken [for Himself] a son.” You have done an atrocious thing. The heavens almost rupture therefrom and the earth splits open and the mountains collapse in devastation that they attribute to the Most Merciful a son.¹⁴⁹

Likewise, in the Old Testament there are many slanderous stories falsely attributed to the Prophets of Allāh ﷺ, alleging that which is not befitting to attribute to a righteous person, let alone a Prophet chosen by Allāh ﷻ to convey His Message to mankind. In it are allegations of drunkenness, fornication, performing magic and other slanderous acts. As previously mentioned, such statements, if uttered

Tirmidhī: *The Chapters on the Merits of Jihād* (1647), *Sunan an-Nasā’ī* (75,3437&3794), *Sunan ibn Mājah: The Book of Intention* (4227), and *Musnad Aḥmad* (168&300)

¹⁴⁸ Allāh highlights this fact in *Sūrah at-Tawbah* (9:30) when He ﷻ says:

﴿وَقَالَتِ الْيَهُودُ عُزَيْرُ ابْنُ اللَّهِ وَقَالَتِ النَّصَارَى الْمَسِيحُ ابْنُ اللَّهِ ذَلِكَ قَوْلُهُمْ بِأَفْوَاهِهِمْ يُضِلُّهُونَ قَوْلَ الَّذِينَ كَفَرُوا مِنْ قَبْلُ قَاتَلَهُمُ اللَّهُ أَنَّى يُؤْفَكُونَ ۚ﴾

The Jews say, “Ezra is the son of Allāh”; and the Christians say, “The Messiah is the son of Allāh.” That is their statement from their mouths; they imitate the saying of those who disbelieved before [them]. May Allāh destroy them; how are they deluded?

¹⁴⁹ *Sūrah Maryam* (19)88-91

amongst themselves by the adherents of their respectively misguided religions, do not carry the ruling of blasphemy. However, this only applies to those claims that are known to traditionally be a part of these people's religions, and that do not involve insulting the Prophet(s) ﷺ. As for statements, they or any other disbelievers may wish to invent, even if they seek to interpolate them into their religions, are not accepted as being part of their religions and thus are not exempted from the ruling of those who curse, belittle, or mock Allāh ﷻ or His Messenger ﷺ. Instead, they are treated as those who deliberately utter words of blasphemy.¹⁵⁰ Shaykh Muḥammad Hāshim رحمه الله ruled in *Sayf al-Jaliyy* (p.201), "That which is considered to be disparagement is a matter dependant on the prevailing customs (of the people/region), as the *Sharī'ah* has not defined (exactly what does and does not constitute blasphemy), nor have (the works of) *Fiqh*. Therefore, the matter depends on custom and tradition. So we consider as disparagement whatever is considered according to the prevailing custom and tradition as disparagement; and whatever is not considered ...as disparagement, is not."

Many of the classical scholars included statements in their works today many would, no doubt, claim are 'over-the-top' and 'extreme'. Regardless, a few of their statements will be presented to emphasise for those previously unexposed to such an understanding, the enormity of speaking against Allāh ﷻ and His Messenger ﷺ. It also highlights how seriously scholars of the past took the matter.

For example, Shaykh Muḥammad Hāshim رحمه الله recorded in *Sayf al-Jaliyy* (pp.175) that *Imām* Mālik رحمه الله said, "Whoever said that the button of the Prophet ﷺ was dirty, seeking by it to disparage him is to be killed." *Al-Qāḍī* 'Abdullāh ibn al-Murābiṭ رحمه الله¹⁵¹ said

¹⁵⁰ Refer to *aṣ-Ṣārim al-Maslūl* (p.555), *Mukhtaṣar aṣ-Ṣārim al-Maslūl* (p.113), *The Unsheathed Sword* (pp.91-95), and *Sayf al-Maslūl* (pp.427-431).

¹⁵¹ He was the *Imām*, the *Faqīh* (i.e. jurist), the *Qāḍī* (i.e. judge) Muḥammad ibn Khalaf ibn Sa'īd ibn Wahb, known commonly as ibn al-Murābiṭ. Al-Khafājī said in the explanation of *ash-Shifā* (6/171), "He was from amongst the most dignified of

(pgs.176&177); “Whoever says that the Prophet ﷺ underwent defeat in some of his battles should be called to repent. If he does so (he is spared), and if not, he should be executed...” He also documented (p.201) that, “Aḥmad (ibn Ḥanbal) رحمه الله was asked about a Jew who passed by the caller to prayer as he was calling the *Adhān* (i.e. call to prayer) and remarked, ‘You have lied.’ Upon this Aḥmad said, ‘He should be killed as he has blasphemed.’”

It can thus be seen that even relatively ‘minor’ and seemingly insignificant statements, if expressed in an attempt to impugn Allāh’s Honour, or that which He afforded to His Messenger ﷺ and religion are treated with the utmost seriousness. This was not necessarily due to the enormity of the statements themselves, but due to the enormity of those to whom they were directed. As a result, the disbeliever harbouring enmity towards Islām is to be taken to task, and punished, for even the slightest affront to Allāh ﷻ, His Messenger ﷺ, and the pristine religion of Islām.

the *Mālikī* scholars from *al-Maghrib* (i.e. north-western Africa).” He died in the year 485 *Hijrī*.

WHO IS RESPONSIBLE FOR KILLING THE BLASPHEMER?

From the commands in the Book of Allāh, the example of their application through *Sunnah* and the actions of the Companions رضي الله عنهم, and the statements of the scholars conveying the *Ijmā'*. It would appear the ruling on the act of killing the blasphemer is one of *Wujūb* (i.e. obligation) according to the principle, 'the command indicates obligation.'¹⁵²

Since there does not exist any instances wherein such individuals were excused after the revelation of the verses in *Sūrah al-Aḥzāb* (33:57) and *at-Tawbah* (9:12), one cannot claim that the ruling falls from that of being *Wājib* to that of being *Mustaḥab* (i.e. recommended but not obligatory).

This can be seen in the words of ibn Taymiyyah wherein he explains, quoting Zayd ibn Aslam رحمهما الله,¹⁵³ "...before Badr and before *Barā'ah* (i.e. *Sūrah at-Tawbah*) the Prophet ﷺ was ordered with patience upon their harms and to pardon them. However after Badr and before *Barā'ah*, he used to fight those who harmed him and leave those who were peaceful towards him, like how he dealt with ibn Ashraf and others who used to harm him.

Badr was the beginning of honour for the religion, and the conquest of Makkah was its completion. Before Badr he ﷺ would hear open insults (from his enemies) but was commanded with patience. After Badr, the hypocrites and others would abuse him in secret, (but) he was commanded with patience. During Tabūk, he was however ordered to deal with the disbelievers and hypocrites harshly. (As a

¹⁵² In Arabic, this principle is known as (الأمر يفيد الوجوب)

¹⁵³ He is Zayd ibn Aslam al-Qurayshī, al-Madanī. He was a *Faqīh*, reliable narrator of *Ḥadīth*, and had a book of *Tafsīr*. He died in the year 136 *Hijrī* and it is said that he died in the year 143.

result) after this no disbeliever or hypocrite was able to speak against him in public or private gatherings, as they knew full-well that if they spoke (ill of him ﷺ) they would be killed...”¹⁵⁴

Moreover, since the Prophet ﷺ did not command all of the Companions رَضِيَ اللَّهُ عَنْهُمْ to pursue and kill those who spoke ill of him. Rather, when individual Companions did not kill those guilty of blasphemy quickly enough, he ﷺ would dispatch individuals or small groups to carry out such assassinations. This is indicated by his words, when he ﷺ requested for volunteers to eliminate ibn as-Ashraf:

مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ، فَإِنَّهُ قَدْ آذَى اللَّهَ وَرَسُولَهُ

“Who will deal with Ka’b ibn al-Ashraf, for he has indeed harmed Allāh and His Messenger?”¹⁵⁵

This would appear to indicate that as long as a sufficient number of believers arise to perform this most honourable action, the obligation falls from the remainder - thus, it is *Farḍ al-Kifāyah*,¹⁵⁶ and Allāh knows best. Meaning, that as long as there are individuals or groups within the *Ummah* that undertake the responsibility of dealing with

¹⁵⁴ *Tafsīr Shaykh al-Islām ibn Taymiyyah* (3/299); in the introduction to the commentary on *Sūrah at-Tawbah*. It is also in *aṣ-Ṣārim al-Maslūl* (p.220)

¹⁵⁵ Various narrations concerning the incident are present in *Ṣaḥīḥ al-Bukhārī* (2510,3032,&4037), *Ṣaḥīḥ Muslim: The Book of Jihād and Expeditions* (1801), *Sunan Abī Dāwūd: The Book of Jihād* (2768), and *Musnad Aḥmad* (14393,14490,14796,15026&15192)

¹⁵⁶ Thus, unlike acts that are *Farḍ al-‘Ayn* - an obligation imposed upon every individual sane and adult believer, such as the prayer and Defensive *Jihād*. Actions that are *Farḍ al-Kifāyah* require a sufficient number of believers to carry out the act, such as calling the *Adhān* and waging Offensive *Jihād*. Thus, if a sufficient number discharge the obligation, the obligation falls from the rest of the community in question. However, if an insufficient number arise, then the obligation remains and all are sinful for not performing the act, except for those excused by the *Sharī‘ah*. It can be seen then, that the emphasis in acts that are *Farḍ al-‘Ayn* is upon the individual performing the act in question, whereas in acts that are *Farḍ al-Kifāyah* the emphasis is solely focused upon the act being performed satisfactorily, regardless of how many people actually perform it.

the blasphemers, the rest of the *Ummah* are absolved from the obligation. Further lending support to this view is the Messenger of Allāh's instructions, issued regarding those exempted from the general pardon, on the eve of the Conquest of Makkah:

اَقْتُلُوهُمْ، وَإِنْ وَجَدْتُمُوهُمْ مُتَعَلِّقِينَ بِأَسْتَارِ الْكَعْبَةِ

“Kill them, even if you find them hanging on to the cloth of the Ka’bah.”¹⁵⁷

Needless to say, if such individuals or groups who have arisen for the purpose of eliminating the blasphemer(s) require the support and/or assistance of the rest of the Muslims, it becomes obligatory on whoever is able to support them. Whether it be financially, intellectually, logistically, emotionally, or physically, in accordance with the principle, ‘whatever is required to fulfil an obligation, itself becomes obligatory.’¹⁵⁸ Likewise, Allāh ﷻ has indeed commanded the believers in *Sūrah al-Anfāl* (8:72):

﴿وَإِنْ أَسْتَنْصَرُكُمْ فِي الدِّينِ فَعَلَيْكُمْ التَّصَرُّ﴾

if they seek help of you for the religion, then you must help

He ﷻ also instructs the believers in *Sūrah al-Mā'idah* (5:2), saying:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى﴾

And cooperate in righteousness and piety.

¹⁵⁷ *Sunan an-Nasā'ī: The Book of the Prohibition of Bloodshed* (4067)

¹⁵⁸ In Arabic, the principle is known as (ما لا يتم الواجب إلا به فهو واجب). It necessitates that if an obligatory act can only be performed with the help of another act(s), then this act takes the same ruling as the intended act. Thus, it becomes *Wājib*, even if this was not its original ruling. For example, since the prayer cannot be performed without ablution, the act of ablution, which was not in-and-of itself obligatory, becomes obligatory at the time of the obligatory prayer because of its relationship with the prayer.

THOSE EXCUSED FROM THE OBLIGATION TO AVENGE THE HONOUR OF THE MESSENGER ﷺ

Amongst the conditions that must be present for any act legislated in the *Sharī’ah* to become *Wājib* (obligatory) upon an individual are maturity, soundness of mind, and ability. Those not fulfilling any one of these conditions are therefore not obliged to fulfil any of the obligatory actions in Islām. Following, will be an explanation of these categories as they relate to the subject:

- **The Minor**

In Islām, a child is considered mature and accountable for his or her actions when they reach the age of puberty.

Nevertheless, as far as this act is concerned - assassinating those guilty of blasphemy who, for one reason or another are not being taken to task by any of the ‘Muslim’ governments. It bears many similarities with the act of waging *Jihād* in the Cause of Allāh, if indeed not being one of its integral and inseparable aspects. Regarding this, ibn Ḥazm رحمه الله asserts in *Marātib al-Ijmā’* (p.119) that the scholars have reached a consensus (*Ijmā’*) on *Jihād* not being obligatory upon the child.

During the era of the Prophet ﷺ and his Companions رضي الله عنهم, boys under the age of fifteen would not generally be permitted to participate in combat.¹⁵⁹ Consequently, a number of scholars held

¹⁵⁹ Refer to the *Ḥadīth* in *Ṣaḥīḥ al-Bukhārī* (2664), wherein ibn ‘Umar رضي الله عنهما was not permitted to participate in the battle of Uhud, when he was fourteen years old. However, he was later permitted to fight at the battle of *al-Aḥzāb*, being fifteen at the time.

Similar narrations are also present in *Ṣaḥīḥ Muslim* (1868), *Sunan Abī Dāwūd* (2957), *al-Jāmi’ at-Tirmidhī* (1361), *Sunan an-Nasā’ī* (3432), *Sunan ibn Mājah* (2543), and *Musnad Aḥmad* (4661)

that fifteen is the minimum-age in Islām for combat operations, regardless of if the boy had attained the age of puberty. Meaning, that even if a boy had reached puberty and was thus legally considered an adult, he would still be prohibited to engaging in combat roles. Although, scholars from the Mālikī and Ḥanafī schools have argued the admittance of young men into the ranks of the *Mujāhidīn* for roles involving physical combat is dependent on strength and ability, and not actual age. Thus, the youngster should be admitted if he possesses the capacity to fight, whereas if he lacks this, he should be sent back or relegated to non-combat roles.

In any case, there is little doubt that minors under the age of puberty are not required, nor should they be permitted to engage in combat roles, even if they volunteer - and Allāh ﷻ certainly knows best.¹⁶⁰

- **Those with Incomplete or Impaired Mental Faculties**

Along with maturity, soundness of the believer's mental faculties is one of the fundamental conditions, the absence of which, lifting all obligations from the individual. Scholars have understood this from the statement of the Prophet ﷺ:

رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ: عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنِ الصَّغِيرِ حَتَّى يَكْبُرَ،
وَعَنِ الْمَجْنُونِ حَتَّى يَعْقِلَ أَوْ يُفِيقَ

*“The pen has been lifted from three (i.e. there are three people whose actions will not be recorded, nor are they sinful for not performing the obligations): from the sleeping till he awakes, from the minor until he attains the age of puberty, and from the insane until he comes back to his senses or recovers.”*¹⁶¹

¹⁶⁰ Refer to the scholars commentaries of the above *Aḥādīth* and *Forty Chapters on Leadership Commentary* (p.150), which can be downloaded [here](#), for discussions on the issue.

¹⁶¹ *Sunan an-Nasā'ī: The Book of Divorce* (3432), *Sunan Abī Dāwūd: The Book of the Prescribed Punishments* (4398&4403), *Sunan ibn Mājah: The Book of*

Those adults not falling within any of the abovementioned categories are therefore required to perform, to the best of their ability, all that which Allāh has charged them with and abandon that which He has forbidden them.

• The Incapable

Inability to perform an act is a factor that excludes the believer from the sin associated with failure to perform an obligation. This is in accordance with Allāh’s Words in *Sūrah al-Baqarah* (2:286):

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

Allāh does not charge a soul except [with that within] its capacity

The believer remains in this state for as long as his or her incapacity persists. However, as soon as the inability subsides or ceases to exist, the believer no longer remains excused for falling short in performing the obligation(s) in question. This principle applies equally to both physical and financial inability.

Related to this issue is the principle that if one is unable to perform a deed completely, then they must perform as much of it as possible. Scholars derived this from Allāh’s Words in *Sūrah at-Taghābun* (64:16) wherein He says:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

Fear Allāh as much as you are able.

Accordingly, if the believer is unable to pray standing, for example - which is a pillar of the mandatory prayer - he or she can pray whilst seated. Although, if the believer is able to pray some of the prayer standing, then this becomes obligatory, as opposed to merely praying the whole prayer whilst seated (whilst having the ability to stand for

Expeditions (2119), and *Jāmi’ at-Tirmidhī: The Book on Legal Punishments* (1423), and *Sahīh Sunan ibn Mājah* (1660)

some of it). Related to the subject of this easy, if the believer is not capable of killing the blasphemer, like the elderly Muḥammad ibn Maslamah رَضِيَ اللَّهُ عَنْهُ with ibn Yāmīn, then he or she should strive to inflict as much damage to them as their capability allows.

In line with this principle, the Prophet ﷺ would say to the believers:

مَا نَهَيْتُكُمْ عَنْهُ فَاجْتَنِبُوهُ، وَمَا أَمَرْتُكُمْ بِهِ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ

“Whatever I forbid you from, avoid completely; and whatever I command you with, do as much of it as you can.”¹⁶²

As the principle relates to the act of enjoining good and forbidding evil, of which *Jihād* is the pinnacle, the Prophet ﷺ explained in a *Ḥadīth* recorded in *Ṣaḥīḥ Muslim: The Book of Faith* (49) wherein he said:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ يَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ

“Whoever amongst you witnesses an evil, then he should change it with his hand (i.e. physically); if he is unable to do that, then he should change it with his tongue (i.e. speak out against it); and if he is unable to do that, then he should hate it in his heart; and that is the weakest (manifestation) of faith.”

¹⁶² *Ṣaḥīḥ al-Bukhārī: The Book of Holding Fast to the Sunnah* (7288), *Ṣaḥīḥ Muslim: The Book of Virtues* (1337), *Sunan at-Tirmidhī: Chapters on Knowledge from the Messenger of Allāh ﷺ* (2679), *Sunan ibn Mājah: The Book of Adhering to the Sunnah of the Messenger of Allāh ﷺ* (1&2), and *Musnad Aḥmad* (7376,7501, 8144,8664,9523,9780,9887,10028,10255,10429,10531,10607&10705). The wording is Muslim’s

SUMMARY

- Scholars have a consensus that whoever curses, belittles, or insults Allāh ﷻ or His Messenger ﷺ is to be killed, whether Muslim or disbeliever.
- The majority of scholars hold that the blasphemer is killed without being asked to repent (i.e. embrace Islām).
- The act of cursing, belittling, or insulting Allāh ﷻ or His Messenger ﷺ invalidates the covenant of the offender, and of those who otherwise enable, or attempt to shelter him/her.
- There is no distinction made between men and women as far as the punishment for this crime is concerned.
- For the disbeliever, nothing short of embracing Islām counts as a valid reason for the annulment of the punishment.
- The Qur’ān, the *Sunnah*, and the *Ijmā’* confirm the necessity of killing the blasphemer.
- Blasphemy can be defined as the utterance of any words, or the performance of any actions (such as drawing) designed to impugn the Honour of Allāh ﷻ, His Messenger ﷺ, and Islām.
- It is *Farḍ Kifāyah* (i.e. a communal obligation) upon the Muslims to kill the blasphemer(s).
- Permission of the Muslim ruler, or caliph, is not required in order to assassinate the blasphemer, as demonstrated in the actions of the Companions رضي الله عنهم.

Summary

- The Muslim in the lands of the disbelievers is required to strive in bringing the offender to justice, as part of the obligation to wage *Jihād* for the Sake of Allāh ﷻ.
- The fear of death or imprisonment is not a valid excuse for not fulfilling this noble obligation. Rather, genuine incapacity is the only valid excuse for the sane believing adult not doing so.
- For those not directly involved, it is obligatory upon them to support those who are in whatever ways they are capable of, if such support is required.

CONCLUSION

Muslims have long been subject to the vicious physical, intellectual, and economic assaults of the disbelievers. This state of affairs only intensified with the dismantlement of the Islamic caliphate at the hands of the West in the early twentieth century (CE). With no shield to protect the *Ummah*, and from which to rally and fight from behind, the Muslims have been left easy prey to the disbelievers’ hired guns who appear in the guise of ‘scholars’, preaching a secular form of Islām compatible with the West’s interests. These wolves in sheep’s clothing would have the Muslims believe that there is no enjoining good and forbidding evil (on a national or international scale) or *Jihād* without the permission of the non-existent *Imām*, or Caliph. At the same time they know that, without a doubt, the disbelievers are never going to allow the re-establishment of the caliphate, or even smaller Islamic states or emirates, as Allāh ﷻ has informed the believers:

﴿وَلَا يَزَالُونَ يُقَاتِلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَنْ دِينِكُمْ إِنِ اسْتَطَاعُوا﴾

And they will continue to fight you until they turn you back from your religion if they are able.¹⁶³

This means, the Islamic state, emirate, or caliphate will not be established before the disbelievers are physically forced to concede. But of course, according to them, there will be no *Jihād* without an existing Islamic state, emirate, or caliphate in place to permit and regulate it - a catch twenty-two situation indeed.

With the *Ummah* languishing in such a pitiful situation, the disbelievers have been emboldened to intensify their attacks against Islām, which has regrettably reached to the state it has today. Not

¹⁶³ *Sūrah al-Baqarah* (2):217

only are the disbelievers invading the lands of the Muslims, killing and imprisoning all who attempt to resist, after labelling them as ‘extremists’ and terrorists and thus permitting their oppression, all with the assistance of their hired ‘scholars’. They are now openly and brazenly insulting that which is most sacred to the believers - their Lord ﷻ, His Book, Prophet(s) ﷺ, and it that was not enough, the chastity and sanctity of the righteous and chaste believing women.¹⁶⁴

Allāh ﷻ certainly does not accept the excuse of ‘freedom of expression’, not any other excuse for such behaviour. He commands the believers to say to such people:

﴿أَبِاللَّهِ وَءَايَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِءُونَ ۚ لَا تَعْتَذِرُوا﴾

“Was it Allāh and His verses and His Messenger that you were mocking?” Make no excuse...¹⁶⁵

Neither does He ﷻ allow the believers to sit idly back while such crimes are being committed before their very eyes. Rather, He ﷻ orders them:

﴿فَقَاتِلُوا أَئِمَّةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ ۚ﴾

Fight the leaders of disbelief, for indeed, there are no oaths for them; [fight them that] they might cease.¹⁶⁶

And then asks the believers:

﴿أَلَا تُقَاتِلُونَ قَوْمًا نَكَثُوا أَيْمَانَهُمْ﴾

¹⁶⁴ Although not at the same level of sacredness as Allāh ﷻ, the sanctity of the Muslim women cannot be underestimated. For the sake of one believing women’s honour ﷺ, the Prophet ﷺ rallied, and readied the entire Muslim army for war against the Jewish tribe of Banī Qaynuqā’ after the battle of Badr in the second year *Hijrī*. Refer to the books of *Sīrah* for detailed account of this incident.

¹⁶⁵ *Sūrah at-Tawbah* (9):65&66

¹⁶⁶ *Sūrah at-Tawbah* (9):12

Would you not fight a people who broke their oaths ¹⁶⁷

Until His words:

﴿أَتَخْشَوْنَهُمْ فَأَلَّهِ أَحَقُّ أَنْ تَخْشَوْهُ إِنْ كُنْتُمْ مُؤْمِنِينَ﴾ ^(١٣)

Do you fear them? But Allāh has more right that you should fear Him, if you are [truly] believers. ¹⁶⁸

He ﷺ then reiterates His Command:

﴿قَتِلُوهُمْ يَعْذِبُهُمُ اللَّهُ يَأْيِدُكُمْ وَيُخْزِيهِمْ وَيُنْصِرْكُمْ عَلَيْهِمْ وَيَشْفِ صُدُورَ قَوْمٍ مُؤْمِنِينَ ۖ وَيُذْهِبْ غَيْظَ قُلُوبِهِمْ﴾ ^(١٤)

Fight them; Allāh will punish them by your hands and will disgrace them and give you victory over them and satisfy the breasts [i.e., desires] of a believing people and remove the fury in their [i.e., the believers'] hearts. ¹⁶⁹

The Prophet ﷺ and the believers indeed hastened to execute these commands from their Lord ﷻ, as has been demonstrated throughout the humble essay. The *Salaf* of the *Ummah* were also united upon the necessity of killing such people by any means at their disposal, whether ordered by the *Imām* (i.e. leader) or not. Rather, Allāh Himself ﷻ has ordered the believers, and His noble and trustworthy Messenger ﷺ has demonstrated the practical application of this command and exalted act of ‘*Ibādah*’ (i.e. worship). Accordingly, scholars such as ibn Ḥazm al-Andalūsī رَحِمَهُ اللَّهُ said about such situations, “If the *Imām* was to prohibit fighting the *Ahl al-Ḥarb* (i.e. the disbelievers with no covenant), he should be disobeyed, as he has

¹⁶⁷ *Sūrah at-Tawbah* (9):13

¹⁶⁸ *Sūrah at-Tawbah* (9):13

¹⁶⁹ *Sūrah at-Tawbah* (9):14&15

commanded disobedience (to Allāh); therefore, in that case there is no hearing and obeying owed to him.”¹⁷⁰

﴿فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ﴾^{٦٣}

So let those beware who dissent from his [i.e., the Prophet's] order, lest Fitnah strike them or a painful punishment.¹⁷¹

Furthermore, Shaykh ‘Abd ar-Raḥmān ibn Ḥasan Āl ash-Shaykh رحمه الله said, “It is *Wājib* to censure those who abandon the evidence (of the Qur’ān, *Sunnah* and *Ijmā’*) in favour of the words of any one of the scholars, regardless of who he is.”¹⁷²

Having clarified this, all that remains is for the honourable from amongst the *Ummah* to make firm their resolve, and act upon the Command of Allāh ﷻ not fearing the blame of the blamers. Indeed, He ﷻ said to the believers:

﴿ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيعَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ ۚ إِنَّهُمْ لَنُغْنُواكَ عَنِ اللَّهِ شَيْئًا وَإِنَّ الظَّالِمِينَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ۚ وَاللَّهُ وَلِيُّ الْمُتَّقِينَ﴾^{١٩}

Then We put you on an ordained way concerning the matter [of religion]; so follow it and do not follow the

¹⁷⁰ *Al-Muḥallā* (5/421), (964)

¹⁷¹ *Sūrah an-Nūr* (24):63. *Imām* Aḥmad said regarding the word ***Fitnah*** in this noble verse, “Do you know what the *Fitnah* is? It means *Shirk*; if a man rejects some of his ﷻ words, perhaps something of deviance will settle in his heart and thus he will be destroyed.” (*Kitāb at-Tawḥīd*, p130, and *Faṭḥ al-Majīd*, p.339)

¹⁷² Refer to *Faṭḥ al-Majīd* (p.338), in the commentary on the 38th chapter of *Kitāb at-Tawḥīd*: *Whoever obeys the Scholars and Rulers, forbidding what Allāh has made permissible and permitting what Allāh has made forbidden, has certainly taken them as Lords (besides Allāh)*

inclinations of those who do not know. Indeed, they will never avail you against Allāh at all. And indeed, the wrongdoers are allies of one another; but Allāh is the protector of the righteous. ¹⁷³

Neither should the honourable believer acting according to Allāh’s Command fear the possible consequences of his or her obedience, as:

﴿ إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةُ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ وَعَدًا عَلَيْهِ حَقًّا فِي التَّوْرَةِ وَالْإِنْجِيلِ وَالْقُرْآنِ وَمَنْ أَوْفَىٰ بِعَهْدِهِ مِنَ اللَّهِ فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ ۚ وَذَٰلِكَ هُوَ الْفَوْزُ الْعَظِيمُ ﴾

Indeed, Allāh has purchased from the believers their lives and their properties [in exchange] for that they will have Paradise. They fight in the cause of Allāh, so they kill and are killed. [It is] a true promise [binding] upon Him in the Torah and the Gospel and the Qur’ān. And who is truer to his covenant than Allāh? So rejoice in your transaction which you have contracted. And it is that which is the great attainment. ¹⁷⁴

Thus, Allāh ﷻ has purchased the soul and wealth of the believer seeking His Paradise, and He will do with them what He pleases, whether this entails victory and spoils, injury, death, or prison.

...

Unlike in the *Ummah*’s glorious past, today’s criminals have become emboldened by this generation’s lack of jealousy for the religion and their Prophet ﷺ and, as he ﷺ foretold the believers:

¹⁷³ *Sūrah al-Jāthiyah* (45):18&19

¹⁷⁴ *Sūrah at-Tawbah* (9):111

حُبُّكُم الدُّنْيَا وَكَرَاهِيَتُكُم الْقِتَالَ

“Your love of the life of this world, and your hatred of fighting.”¹⁷⁵

As a result, they openly curse Allāh, burn and deface the Qur’ān, insult the Prophet(s) ﷺ, and mock Islām without the slightest fear of rebuke or reprisal. On the contrary, they now compete with one another as to who can be the most audacious and despicable in their acts of blasphemy.

¹⁷⁵ The full *Ḥadīth* is recorded in *Musnad Aḥmad: Musnad Abī Hurayrah* رَضِيَ اللَّهُ عَنْهُ (8713), wherein Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Prophet ﷺ say to Thawbān رَضِيَ اللَّهُ عَنْهُ:

كَيْفَ أَنْتَ يَا ثَوْبَانُ، إِذْ تَدَاعَتْ عَلَيْكُمُ الْأُمَمُ كَتَدَاعِيكُمْ عَلَى قَصْعَةِ الطَّعَامِ تُصِيبُونَ مِنْهُ؟ قَالَ ثَوْبَانُ: يَا أُمِّي يَا رَسُولَ اللَّهِ، أَمِنْ قَلَّةٍ بِنَا؟ قَالَ: لَا، بَلْ أَنْتُمْ يَوْمئِذٍ كَثِيرٌ، وَلَكِنْ يُلْقَى فِي قُلُوبِكُمُ الْوَهْنُ قَالُوا: وَمَا الْوَهْنُ؟ يَا رَسُولَ اللَّهِ؟ قَالَ: حُبُّكُمُ الدُّنْيَا وَكَرَاهِيَتُكُمُ الْقِتَالَ

“How will you be O Thawbān when the nations will summon one another against you like dinners invite one another to a feast?” Thawbān replied, “May my mother and father be sacrificed for you O Messenger of Allāh! Will it be due to our small numbers?” He said, “No. Rather on that day you will be numerous, however (Allāh) will cast *al-Wahn* (i.e. weakness) into your hearts.” The Companions asked, “And what is (the cause of this) *Wahn* O Messenger of Allāh?” He replied, “Your love of the life of this world, and your hatred of fighting (i.e. *Jihād*).”

In *I was Sent with the Sword* (p.79) *Imām* ibn Rajab al-Ḥanbalī mentioned the primary cause believers’ disgrace and humiliation saying, “Among the greatest means through which humiliation occurs ..., is the abandonment of his *Sunnah* regarding waging *Jihād* against the enemies of Allāh. Therefore, whoever traverses the Messenger’s path regarding *Jihād* will attain honour, while those who abandon *Jihād* (i.e. fighting) whilst being able to (perform it) will be humiliated.” He then proceeded to mention as evidence the *Ḥadīth* recorded by Abū Dāwūd in his *Sunan: The Book of Wages* (3462) wherein the Prophet ﷺ said:

إِذَا تَبَايَعْتُمْ بِالْعَيْنَةِ، وَأَخَذْتُمْ أَذْنَابَ الْبَقَرِ، وَرَضِيتُمْ بِالزَّرْعِ، وَتَرَكْتُمُ الْجِهَادَ، سَلَّطَ اللَّهُ عَلَيْكُمْ ذُلًّا لَا يَنْزِعُهُ حَتَّى تَرْجِعُوا إِلَى دِينِكُمْ

“If you trade in *‘Inah* (i.e. a type of usurious transaction), follow the tails of cows, became content with agriculture, and ignore *Jihād*, Allāh will impose on you a humiliation that would not be taken away until you go back to your religion.”

Therefore, O descendants of the Prophet of war ﷺ,¹⁷⁶ Muḥammad ibn Maslamah, ‘Abdullah ibn ‘Atīk, and ‘Umayr ibn ‘Adī رَضِيَ اللَّهُ عَنْهُمْ. Hasten to let the blasphemers, those who encourage them, and those who protect them encounter the same fate as Ka’b ibn al-Ashraf, Abū Rāfi’, Aṣmā’ bint Marwan, and the late staff of Charlie Hebdo suffered, *“for they have indeed harmed Allāh and His Messenger ﷺ.”*

Likewise, after the courageous have discharged their obligation, executed Allāh’s Judgement regarding the blasphemer(s), and extinguished the fury in the hearts of the believers. Let there be no shyness or hesitation in the response to those who wish to object:

إِنَّهُ لَوْ قَرَّ كَمَا قَرَّ غَيْرُهُ لَمَا أُؤْذِيَ، لَكِنَّهُ نَالَ مِنَّا الْأَذَى وَهَجْنَا بِالشَّعْرِ، وَلَمْ يَفْعَلْ هَذَا أَحَدٌ مِنْكُمْ إِلَّا كَانَ لَهُ السَّيْفُ

“Indeed if he would have calmed down like others (sharing his views) he would not have been harmed. However, he harmed us and slandered us with (his) poetry, and none of you would do the same except that the sword would be his lot!”

And our final supplication is; all praises are due to Allāh, the Lord of all of the creation.

¹⁷⁶ In reference to a *Ḥadīth* recorded in *Musnad Aḥmad* (19525,19621&19651) and others wherein the Prophet ﷺ said:

أَنَا نَبِيُّ الْمَلْحَمَةِ

“I am the Prophet of great slaughter.”

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